The Raleigh City Council met on Tuesday, December 3, 1985, at 12:00 noon in the Raleigh Civic Center for the Inauguration Ceremony of the Mayor and City Council. The meeting was called to order by the City Clerk, Gail G. Smith. Invocation was rendered by the Reverend B. Daniel Sapp, Christ Episcopal Church. The City Clerk announced the Wake County Elections Board has certified the following as City Council members for the City of Raleigh:

At Large - Norma DeCamp Burns
At Large - Perry Safran
District A - O. Morton Congleton
District B - Edward A. Walters
District C - Ralph Campbell, Jr.
District D - Charles Meeker
District E - Mary C. Cates

The City Clerk introduced the Honorable Joseph Branch, Chief Justice of the North Carolina Supreme Court to administer the Oath of Office collectively to the Council members.

The City Clerk announced the Wake County Election Board had certified the election of Avery C. Upchurch as Mayor of the City of Raleigh. The Honorable Joseph Branch, Chief Justice of the North Carolina Supreme Court administered the Oath of Office to Mr. Upchurch. Mayor Upchurch made remarks after which benediction was rendered by the Reverend Joanne Ver Berg, Hillyer Memorial Christian Church. Mayor Upchurch announced the meeting recessed until 2:30 p.m. at which time the Council will reconvene in the City Council Chambers of the Municipal Building. A brief reception followed.

The Raleigh City Council met in a reconvened meeting on Tuesday, December 3, 1985, at 2:30 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Burns
Mr. Campbell
Ms. Cates
Mr. Congleton
Mr. Meeker
Mr. Safran
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Powell Osteen of Highland United Methodist Church, after which, the following matters were discussed with action taken as shown:

RECOGNITION OF SPECIAL AWARDS

***NORTH CAROLINA LEAGUE OF MUNICIPALITIES - RESOLUTION RELATING TO HOST CITY FOR 1985 CONFERENCE - RECEIVED

Mayor Upchurch read a letter from North Carolina League of Municipalities indicating we had received a resolution commending the City of Raleigh for their efforts and cooperation for the 1985 meeting in November. Mayor Upchurch also commended City Manager Benton and staff for the work they did during the League of Municipalities as well as the work in setting up the inaugural ceremony.

***PROCLAMATION - SADD DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming December 17, 1985 as SADD Day in the City of Raleigh. The proclamation was accepted by Pam Palmer, Co-chair of the SADD Committee of the Raleigh Youth Council.

***MAYOR PRO-TEM - EDWARD A. WALTERS ELECTED AND SWORN IN

Mayor Upchurch indicated the first order of business following inauguration of a new Council would be the election of a Mayor Pro-Tem and opened the floor for nominations. Mr. Congleton nominated Edward A. Walters as Mayor Pro-Tem. No other nominations were made. Ms. Cates moved that nominations be closed and Mr. Walters elected Mayor Pro-Tem by acclamation. Her motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mayor Avery Upchurch administered the Oath of Office of Mayor Pro-Tem to Edward A. Walters.

***COUNCIL COMMITTEES - APPOINTED

Mayor Upchurch explained the committee assignments were decided upon after much deliberation as to the workload, the priorities of projects and the importance of a more intensified planning effort. He explained every Council Member is qualified to serve in all positions and he also recognizes that all issues will be considered by the Council and voted on by all members. However, assignments needed to be made. He presented the following prepared statement.

This Council will have two distinct priorities:

IMPLEMENTATION

The renovation of downtown and downtown housing, transportation improvements, as well as housing for the low income. Projects such as parks, greenway, needed City facilities and others will be discussed in our Capital Improvement Budget. The Public Works and Law and Finance Committees will have this responsibility.

PLANNING

Broad range planning involving an update of our Comprehensive Plan. Also, development of a policy by which it can be updated annually or biannually. There needs to be involvement of other governmental bodies in our planning process which includes water resources, transportation needs, land use and other important subjects. The Comprehensive Planning and Intergovernmental Committees will involve itself with these tasks. My goal was to have committee appointments reflect the best ways we could accomplish these tasks.

Due to the growth and normal everyday business of everyone involved, our committee system must work effectively in order to save time, therefore, it must be managed correctly. When an item is referred to committee, many times it means several more trips to City Hall by a citizen trying to get a problem or question resolved. It also means additional time, research by the Council and staff, therefore, I feel that items should be referred to a committee only when the Council has a plan of action or a solution to pursue. We should not use committees as a delaying tactic unless we have a proposed solution in mind.

When I took office as Mayor two years ago, I requested that items not be held in committee over 90 days. If an item had to be discussed longer than that, I requested that the committee give the Council a status report. I feel that we should continue this policy. At some point in the future, we may desire to put this policy into ordinance form. That would create requirements for Council Committees as well as all of the Advisory Committees. Whether this is policy or law, this would help the Council action and be more responsive to citizens. In any event, we should all try to do our homework and take action when an item is first presented to the Council. This will save Council Members, staff, and above all the citizens the time and energy it takes to try to follow items from Council to committees and back to Council.

Mayor Upchurch appointed the following committees:

PUBLIC WORKS COMMITTEE

Morton Congleton, Chairman
Mary Cates
Perry Safran

LAW AND FINANCE COMMITTEE

Ralph Campbell, Jr., Chairman
Charles Meeker
Norma Burns

COMPREHENSIVE PLANNING COMMITTEE

Mary Cates, Chairperson
Norma Burns
Charles Meeker

INTERGOVERNMENTAL LIAISON COMMITTEE

Edward Walters, Chairman
Perry Safran
Ralph Campbell, Jr.

REAL ESTATE - DOWNTOWN COMMITTEE

Edward Walters, Chairman
Mary Cates
Morton Congleton
Ralph Campbell, Jr.

TRANSPORTATION ADVISORY COMMITTEE

Morton Congleton

TRIANGLE J - COG

Delegate - Morton Congleton
Alternate - Mary Cates

POLICE AFFAIRS COMMITTEE

Mayor Upchurch, Chairman
Morton Congleton
Ralph Campbell, Jr.

In making the committee appointments, Mayor Upchurch explained he has combined two committees, the Real Estate and the Downtown Committee to form a Real Estate/Downtown Committee. He stated he was removing himself from this and other committees. He indicated in addition he has appointed a Police Affairs Committee pointing out this was set up during the tenure of Smedes York. He indicated he does not anticipate any problems and hopes that this committee will never have to meet, but he feels it would be good to have it in place just in case.

Mayor Upchurch explained there is no set procedure as to how City Council members are seated at the Council table or how the office space is arranged. He briefly went over how the past Council was seated and picked their office space. He indicated Mr. Congleton had stated he would like to keep his same seat at the Council table and if no one has other suggestions then he would honor that request and suggest that the Public Works Committee sit to his left and the Law and Finance Committee to his right and possibly the secretaries in the Council office could put names in a hat and the Council members could draw as it relates to their office space. Mr. Congleton moved approval of the Mayor's recommendations relating to committee assignments, seating at the Council table and selection of office space in the Council office. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the consent agenda indicating all items are considered to be routine and may be inacted by one motion. If a councilor request discussion on an item the item will be removed from the consent agenda and considered separately. He explained the vote on the consent agenda would be a roll call vote. Mr. Campbell requested that the item relating to contract building security be withdrawn from the consent agenda. Without objection this item was withdrawn. Ms. Cates moved that administration's recommendations on the remaining items on the consent agenda be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the consent agenda were as follows:

***PRIVILEGE LICENSE APPLICATION - RADISSON PLAZA RALEIGH - APPROVED

This is a privilege license application for "Radisson Plaza Raleigh," located at 420 Fayetteville Street Mall. The manager, Chester Kincaid Clontz, is the individual making the application. City Code Sections 2-2032 (2), (3), (5), and 12-3188 (3), require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center.

Police and Inspections reports indicate approval.

Recommendation: That this application be approved. Consent agenda approval Cates/Walters - 8 ayes.

***ASSESSMENT COLLECTION - SAINT JAMES HOLINESS CHURCH - AGREEMENT AUTHORIZED

The City has an unpaid assessment on property owned by Saint James Holiness Church. The assessments were made on the property with the understanding that it was owned by James Whitaker. However, it is actually owned by the church. In pursuit of the payments, the City has a tentative agreement with the church to accept the remaining outstanding principle amount on four delinquent assessments while waiving the remaining interest in an amount of $365.54.

Recommendation: That the Council accept the tentative agreement and waiver the outstanding interest. Consent agenda approval Cates/Walters - 8 ayes.

***GRANT APPLICATION - YOUNG VOLUNTEERS IN ACTION PROGRAM - SUBMITTAL OF PROPOSAL AUTHORIZED

The Junior League of Wake County has funds available to aid human services programs. The City Administration proposes that a grant request for $33,000 be submitted for their acceptance with funds to be used to continue and expand the Young Volunteers in Action Program. This program is currently funded by the Federal government and will terminate September 30, 1986. A copy of the proposal was included in the Agenda packet.

Recommendation: That Council authorize submittal of the proposed grant. Consent agenda approval Cates/Walters - 8 ayes.

***COMMUNITY DEVELOPMENT - FAIR MARKET DISPOSITION VALUE FOR 205 SOUTH SWAIN STREET - APPROVED - SALE AUTHORIZED UNDER NORMAL PROCEDURES

At the November Real Estate Committee meeting, the Committee agreed to recommend to Council that the fair market disposition value for property at 205 South Swain Street be set at $13,000. This was inadvertently left off the Committee's report to Council.

Recommendation: That Council approve the fair market disposition value of $13,000 for 205 South Swain Street and authorize its sale under normal procedures. Consent agenda approval Cates/Walters - 8 ayes.

***BUDGET CALENDAR - FY 86-87 - CALENDAR APPROVED; PUBLIC HEARING AUTHORIZED

Included in the Agenda packet was the budget calendar for the 1986-87 Budget. The key Council action dates are:

January 21, 1986	- Pre-budget Hearing and General Revenue Sharing Proposed Use Hearing
May 20, 1986	- Submittal of Proposed Budget to City Council
June 3, 1986	- Public Hearing on Proposed Budget

Recommendation: That the proposed budget calendar be approved. Consent agenda approval Cates/Walters - 8 ayes.

***GREEN ROAD COMMUNITY CENTER - BUDGET AMENDMENT - AUTHORIZED

This center is scheduled to open soon. There is a need to establish a budget to receive and expend funds for special programs which involve the payment of fees for various programs. A copy of the proposed budget was included in the Agenda packet.

Recommendation: That the Council approve a budget amendment for the Revolving Fund to increase revenue by $8,300 and establish expenditure accounts for $8,300 for Green Road Center. Consent agenda approval Cates/Walters - 8 ayes. See Ordinance 680.

***CONTRACT RETAINAGE FEE - ADJUSTMENTS AUTHORIZED ON VARIOUS CONTRACTS

The current City policy is to allow contract retainage to be reduced after a project is 80 percent complete. The following contract retainage reductions are proposed:

a. P.W. 1983-7 - C. C. Mangum Company, contractor, on railroad underpasses for Atlantic Avenue and Spring Forest Road, with reduction to 5 percent;

b. Green Road Community Center - LDA Incorporated, general contractor, with reduction to $5,000; and,

c. Lake Johnson Pool - AAA Electrical Company, utility installations, with reduction to 2.5 percent.

Recommendation: That Council approve the proposed contract retainage reductions. Consent agenda approval Cates/Walters - 8 ayes.

***MUNICIPAL AGREEMENT - NCDOT - BRIDGE OVER HARE SNIPE CREEK - AGREEMENT AUTHORIZED

The State has agreed to fund a bridge replacement project which involves building a new bridge over Hare Snipe Creek on Pleasant Grove Church Road. This will be part of the Millbrook - Shelley Road improvement project. Under this proposal, the City will provide the construction plans and all right-of-way. A copy of the Municipal Agreement was included in the Agenda packet.

Recommendation: That the Council approve the Municipal Agreement. Consent agenda approval Cates/Walters - 8 ayes.

RESOLUTION NO. (1985) 19

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilwoman Cates and seconded by Councilman Walters for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation and the Municipality have prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 8.2401401, Wake County, said plans consisting of the construction and replacement of the bridge over Hare Snipe Creek and approaches on Pleasant Grove Church Road (SR 1664); and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-mentioned project whereby this Municipality agrees to effect the necessary adjustments of all utilities, to provide the right of way for the project, and to prepare construction plans, all without cost to the Department of Transportation; and,

WHEREAS, said Department of Transportation agrees to construct the project in accordance with the approved project plans; and

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 8.2401401, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Gail G. Smith, Clerk of the Municipality of Raleigh, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 3rd day of December, 1985.

WITNESS, my hand and the official seal of said Municipality on this the 11th day of December, 1985.

/s/ Gail G. Smith
CLERK
MUNICIPALITY OF RALEIGH
NORTH CAROLINA

***WALNUT CREEK SANITARY SEWER PROJECT - DESIGN SERVICES - CONTRACT WITH BONEY AND ASSOCIATES APPROVED

On November 19, 1985, the Council approved retention of the firm of Boney and Associates for design services associated with upgrading the capacity of the Walnut Creek Sewer Outfall. A contract has been negotiated which provides for a fee not to exceed $234,710 with a fee of 4.79 percent on a project estimate of $4.9 million.

Recommendation: Approval of a design services agreement with the above noted design fee. Consent agenda approval Cates/Walters - 8 ayes.

***ENCROACHMENT AGREEMENT - SEABOARD SYSTEM RAILROAD - APPROVED

An encroachment agreement is needed for Seaboard System Railroad to install a 30-inch water line in conjunction with the Atlantic Avenue Project. Included in the Agenda packet was a proposed agreement.

Recommendation: That the Council approve this encroachment agreement with Seaboard System Railroad, Incorporated. Consent agenda approval Cates/Walters - 8 ayes.

Extracts from minutes of meeting of the City Council of the City of Raleigh, North Carolina, held on the 3rd day of December, 1985.

RESOLUTION NO. (1985) 20

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and to sign same on behalf of said City hereby said Railroad grants unto said City the right or license to install and maintain a water main across the right of way and under tracks of said Railroad at Raleigh, North Carolina, as particularly described in said agreement, which agreement is dated November 8, 1985, a copy of which agreement is filed with the City Council.

I certify the above to be a true and correct copy.

/s/ Gail G. Smith
Clerk

***UTILITY ACREAGE FEES - CODE REVISION - ORDINANCE ADOPTED

The Council has recently revised the Zoning Code as it relates to residential usage in various zoning districts including Thoroughfare, Shopping Center, and O&I. It is necessary to revise the sections of the Code indicating the formula for setting the acreage fees for utilities. A copy of a proposed Code amendment was included in the Agenda packet. It can be adopted without a public hearing.

Recommendation: That Council adopt the proposed ordinance amending Part 8 of the Raleigh City Code entitled, "Utilities." Consent agenda approval Cates/Walters - 8 ayes.

ORDINANCE NO. (1985) - 681

AN ORDINANCE TO AMEND PART 8 OF THE RALEIGH CITY CODE ENTITLED "PUBLIC UTILITIES".

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. That Ordinance No. (1982) - 628 adopted 3, September, 1985, which is codified as the last sentence of footnote number one of Section 8-2092 is hereby repealed, rewritten, and reenacted to read as follows:

"In the case of a special use permit for a higher residential density being issued, acreage fees will be based on the residential zoning district which would first allow that number of units to be built in the zoning district in accordance with the approved special use permit.".

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective 1, May, 1985.

Adopted: 12/3/85
Effective: 5/1/85

***PERSONNEL - POSITION RECLASSIFICATION IN PUBLIC WORKS DEPARTMENT - AUTHORIZED

Currently, the position of Assistant Sanitation Superintendent has general management responsibility and landfill management duties. With the need to expand the area for garbage disposal at the landfill, it will be necessary to consider adding a Civil Engineer position in the Public Works Department. The Assistant Sanitation Superintendent position is now vacant and it is proposed to adjust the duties of the position to exclude landfill design work. With such action, the pay range could also be reduced. It is currently a Pay Grade 36 with a salary range of $22,736 to $33,591.

Recommendation: That the pay grade for the position of Assistant Sanitation Superintendent be adjusted to Grade 35 ($21,653 - $31,992) and that the job duties be adjusted to delete the landfill design duties. Consent agenda approval Cates/Walters - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on November 19, 1985, the following applications for taxicab owner's permits were approved on the first reading:

a. Franchise Renewals

Melvin J. Griffin, Sr. - Prestigest Limousine (Operate one limousine)

Ones E. Polk - Polk Limousine Service (Operate one limousine)

Clyde Hood Johnson - Johnson Limousine Service (Operate two limousines)

Henry Benjamin Murray - Southern Cab Company (Operate one cab)

Johnnie Jones, Jr., - Courtesy Limousine Service (Operate one limousine)

Johnnie Maryland Young - Young Taxi Cab Company (Operate one cab)

Abram Servance - Independent Cab Company (Operate one cab)

Fred Swan - Sunrise Cab Company (Operate fifty cabs)

Lonnie Lymen Wilder - Acme Cab Company (Operate two cabs)

Edgar W. Davis - Lincoln Cab Company (Operate three cabs)

William Eldridge Blalock, Sr. - Blue Diamond Cab Company (Operate eight cabs)

Mrs. Johnsie D. Sherman - City Taxi Company (Operate twenty-three cabs)

Malachi Wilkins - Triangle Cab Company (Operate twelve cabs)

Boaz Odhiambo and Ricks Oduor Jayala - Research Triangle Taxi and Transfer (Operate six cabs)

James Snellings - Esquire Cab Company (Operate three cabs)

b. Renewals of Individual Owner's Permit

1. Acme Cab Company

Archie Graham Kenan

2. Holiday Cab Company

James Odell Howard
Lloyd R. Campbell

3. Lincoln Cab Company

William Roberts

4. Blue Diamond Cab Company

William E. Blalock, Jr.
Charles Whitley Bobbitt
Walter Hill, III
Norman Lee Mickens

5. City Taxi Company

McKeever Dunn
James N. Melvin
Stephen Glenn
Charles Henry Snipes
John F. Snipes, Jr.
John Edward Cofield
Harrison Stanback, Jr.
Samuel L. Crowder
Norwood Matthew Peacock
William Edward Chavis
Thoedore R. Goodson
John W. Burnett
Primus Sloan
James C. Dowd, Jr.
Melvin Webster
Joseph N. Fleming
Robert Lee Stringfellow
Clyde H. Johnson
William McKinney

6. Triangle Cab Company

Jean C. Watkins
Bobbie L. Abercrombie
Claudia Hayes
Robert L. Cobbs
Mary Blackwell Hinton
Marvin Barnes
William H. Jones

7. Research Triangle Taxi and Transfer

Nnamdi Azubike Emodi
Maurice Lazarus Ochola
Willie Louis Brooks
Jacob O. Ambala

8. Esquire Cab Company

Joseph Harris

Recommendation: That the applications be approved on second and final reading. Consent agenda approval Cates/Walters - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING; TO BE PLACED ON DECEMBER 17, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code.

a. Franchise Renewals

William Thompson - Associated Cab Company (Operate ten cabs)

William Earl Sutton - Tri-City Express Taxi Company (Operate three cabs)

Nelson N. Ngari - Cardinal Cab, Inc. (Operate forty cabs)

Apollo Ombajo - American Cab Company (Operate twenty cabs)

I. E. Doggett - Strop Taxi Company (Operate three cabs)

Allen Willis and Geno Robertson - Rainbow Cab Company (Operate sixteen cabs)

Earl A. Jones - Diamond Cutter Limousine Service (Operate one limousine)

Silas Webb - Hollywood Limousine Service (Operate one limousine)

Roger Sessoms - Capital Limousine Service (Operate one limousine)

George G. Mburu - Safeway Cab Company (Operate twenty cabs)

Daniel L. Hooker - United Cab Company (Operate six cabs)

Willie Dixon - Cab Company (Operate one cab)

b. Renewal of Individual Owner's Permits

1. Associated Cab Company

Richard Trusdale
Garland Watkins, Jr.
Leonard Alston
Evelyn Champion Robertson
Charles Isam Lyon

2. Cardinal Cab, Inc.

Franklin Gahuka Gatumbi
Johnny Nyaga Kagau
David E. Ogega

3. American Cab Company

Boaz Odhiambo
Harry W. Griffins
Marvenia Marion Page
Loman W. Murray, Jr.

4. Rainbow Cab Company

Willie E. Yarborough
William Henry Hall
Lucille L. Crowder
William Henry Jones
Napolean Nesbitt

5. Safeway Cab Company

Louise Wilson
Samuel I. Gachanja
Seraphin Nzabani Maketo

6. United Cab Company

Robert Lee Rowland
Marie Coleman Banks

Recommendation: Administration recommends approval of the applications on the first reading with the understanding that the items will be placed on the December 17, 1985 agenda for second and final consideration. Consent agenda approval Cates/Walters - 8 ayes.

***BUDGET AMENDMENTS - TRANSPORTATION DEPARTMENT - ORDINANCE ADOPTED

The agenda presented a budget amendment in the Transportation Department in the amount of $39,650 to establish revenue and expense budget for transit planning fund. This is the routine annual UMTA planning grant that supports our transit planning function within the City's Department of Transportation. There is no City cash match.

The agenda also presented a budget amendment in the amount of $182,450 to reflect increase in Federal and State funding that the City has received through its grant amendment and to increase local match required for the off-street transit transfer.

Recommendation: Administration recommends approval of the budget amendment as outlined. Consent agenda approval Cates/Walters - 8 ayes.

ORDINANCE NO. (1985) 680

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to reflect contribution from Theatre In The Park to match City funds for improvements to the Theatre facility in Pullen Park:

Revenue:	37-1-0030-0100	Theatre In The Park	$ 47,894.00
Expense:	37-2-4020-0100	Theatre In The Park	47,894.00

Section 2. That the 1985/1986 Budget be amended as follows to reflect increase in Federal and State funding that we have received through grant amendment and to increase local match required:

Revenue:	42-1-6000-0100	UMTA NC-05-0031-02	$145,960.00
	42-1-6000-0101	State 84-C-01	18,245.00
	42-1-6000-0102	Off Street Transit-City	18,245.00
Expense:	42-2-6000-0100	Administration	-0-
	42-2-6000-0101	Construction	68,650.00
	42-2-6000-0103	Right-of-Way	-0-
	42-2-6000-0104	Demolition	74,000.00
	42-2-6000-0105	Contingency	39,800.00

Section 3. That the 1985/1986 Budget be amended as follows to establish Revenue and Expense Budget for Transit Planning Fund:

Revenue:	02-1-5460-0100	UMTA NC-08-0119	$ 31,720.00
	02-1-5460-0101	State 86-P-06	3,965.00
	02-1-5460-0102	City In-Kind	3,965.00
Expense:	02-2-5460-0000	UMTA NC-08-0119	-0-
	02-2-5460-0000	State 86-0-06	-0-
	02-2-5460-0100	Salaries	30,500.00
	02-2-5460-0101	Fringe	4,270.00
	02-2-5460-0102	City In-Kind	3,965.00
	02-2-5460-0260	Supplies	315.00
	02-2-5460-0231	Travel	600.00

Section 4. That the 1985/1986 Budget be amended as follows to set up revolving fund for Green Road Community Center:

Revenue:	19-1-8320-0001	Fees	$ 8,300.00
Expense:	19-2-8320-0101	Contract Salaries	6,210.00
	19-2-8320-0103	Sal. Temp.	250.00
	19-2-8320-0213	Reg. & Sub.	40.00
	19-2-8320-0221	Printing	50.00
	19-2-8320-0260	Office & Other Supplies	200.00
	19-2-8320-0269	Athletic Supplies	150.00
	19-2-8320-0279	Athletic Trophies	100.00
	19-2-8320-0534	Program Reserv.	800.00
	19-2-8320-0700	Equipment	400.00
	19-2-8320-0992	Refunds	100.00

Adopted: 12/3/85

***REIMBURSEMENT CONTRACT - AMMONS INCORPORATED - APPROVED

It is recommended that the following reimbursable acreage fee contract have your approval:

Ammons, Inc.
12-inch water main in Eaglechase off Poole Road
Water 19, Number 4
$19,705.95

Recommendation: That approval be granted and authorize the Mayor's signature. Consent agenda approval Cates/Walters - 8 ayes.

***CONDEMNATION - 212 HOGAN LANE - RESOLUTION ADOPTED

The agenda indicated efforts have been unsuccessful to obtain needed right-of-way for the proposed Gorman Street extension as it relates to property owned by Luvedia Hogan at 212 Hogan Lane.

Recommendation: Administration recommends adoption of a resolution of comdemnation. Consent agenda approval Cates/Walters - 8 ayes. See Resolution 21 on Page _____.

***WORTHDALE CENTER EXPANSION - CHANGE ORDER E-1 - MANAGER'S ACTIONS UPHELD

The agenda indicated the City Manager has administratively approved Change Order E-1 - W. T. Page Electrical Company relating to Worthdale Center expansion. The agenda outlines the need for the change order which is an increase of $331.22 as well as budget accounts that have been amended administratively.

Recommendation: Concurrence with the Manager's action on this change order and transfer is recommended. Consent agenda approval Cates/Walters - 8 ayes.

***OPTIMIST CENTER EXPANSION - CHANGE ORDER G-1 AND E-1 - MANAGER'S ACTION UPHELD.

Change Order G-1 - Saieed Construction Company is for an increase of $700. Change E-1 - Watson Electric Company - Optimist Center expansion is for an increase of $384. The agenda outlined the need for the change orders and budget amendments that have been made administratively according to Council procedure.

Recommendation: Concurrence with the Manager's action on Change Orders G-1 and E-1 as outlined. Consent agenda approval Cates/Walters - 8 ayes.

***PW 1983-7 - ATLANTIC AVENUE/SPRING FOREST ROAD - CHANGE ORDER NO. 3 - FUNDS APPROPRIATED

Change Order No. 3 - C.C. Mangum, Inc. - Atlantic Avenue/Spring Forest Road Railroad underpasses was presented. The change order is an increase of $19,853.15. The agenda indicated this is due to additional piling length. The agenda also outlined the budget accounts that should be amended if the change order is approved.

Recommendation: That Change Order No. 3 - C.C. Mangum, Inc. be approved as well as associated transfer. Consent agenda approval Cates/Walters - 8 ayes. See Ordinance 682 TF 10

***ANNUAL STREET CONSTRUCTION/MILLBROOK ROAD - CHANGE ORDER 4 - C.C. MANGUM, INCORPORATION - APPROVED - FUNDS APPROPRIATED

Change Order No. 4 with C. C. Mangum, Inc. - annual street construction and Millbrook Road project was presented. The change order is an increase of $39,299.19 and is needed to adjust to final quantities. The agenda outlined the code accounts that should be amended if the change order is approved.

Recommendation: Approval of Change Order No. 4 and transfers as outlined on the agenda. Consent agenda approval Cates/Walters - 8 ayes. See Ordinance 682 TF 10.

***NEUSE RIVER RAW WATER PUMP STATION - CHANGE ORDER M-1 - APPROVED - FUNDS APPROPRIATED

Change Order M-1 - Hocaday Heating and Airconditioning relating to the Neuse River Raw Water Pump Station was presented. The change order is an increase in the amount of $4,351. The agenda outlined the reason for the change order as well as budget accounts that should be amended if the change order is approved.

Recommendation: Approval of the change order and associated transfer. Consent agenda approval Cates/Walters - 8 ayes. See Ordinance 682 TF 10.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council members received in their agenda packet a list of transfers that have been administratively authorized according to Council procedure. The transfers were as follows:

From:	38-2-3200-0104	$910.32
To:	38-2-3200-0101	910.32
From:	38-2-3340-0104	304.29
To:	38-2-3340-0105	304.29
From:	01-3-3100-0120	60.00
To:	01-2-4040-0603	60.00
From:	01-2-1040-0001	150.00
To:	01-2-3070-0700	150.00
From:	43-2-2060-0100	500.00
To:	43-2-2060-0200	500.00

Recommendation: Concurrence with the Manager's action is recommended.

***TRANSFERS - WITHIN VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The agenda listed recommended transfers in the departments of Community Development, Inspections, and Transportation. The agenda outlined the amount of transfers as well as needs.

Recommendation: Approval of the transfers as outlined on the agenda. Consent agenda approval Cates/Walters - 8 ayes.

ORDINANCE NO. (1985) 682 TF 10

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 32-2-1000-0100	Council Reserve	$ 19,853.15
To 32-2-3012-0101	PW 1983-7	19,853.15

Purpose: Contract Change Order - Atlantic Avenue & Spring Forest Road Railroad Underpasses - PW 1983-7 - C. C. Mangum - #3.

From 32-2-3011-0101	PW 1984-3	$ 33,511.28
From 32-2-4495-0101	PW 1983-1	5,787.91
To 32-2-4495-0101	PW 1983-1	39,299.19

Purpose: Contract Change Order - Annual Street Construction and Millbrook Road - PW 1983-1 - C. C. Mangum - #4.

From 84-2-1060-0000	EMJ Plant Expansion	$ 4,351.00
To 84-2-1640-0201	Raw Water PS-HVAC	4,351.00

Purpose: Contract Change Order - Neuse River Raw Water Pump Station - Hockaday Heating & Air Conditioning - M-1.

From 33-2-3010-0100	Downtown Housing	$150,000.00
To 33-2-3010-0101	RHA/Mark Street Project	150,000.00

Purpose: Budget the commitment to Raleigh Housing Authority made 3/85 by Council to support housing project on Mark Street.

From 01-2-1240-0603	Automobile Replacement	$ 1,170.00
To 01-2-1240-0237	Auto Allowance	1,170.00

Purpose: Automobile allowance - Inspections Director.

From 01-2-1040-0001	General Fund Contingency	$ 18,245.00
To 42-1-6000-0102	Off Street Transit	18,245.00

Purpose: To provide City match to cover amendment to Off Street Transfer Facility Grant.

From 37-2-4020-0100	Theatre In The Park	$119,735.00
To 37-2-4020-0101	Theatre In The Park (Gen)	58,717.00
To 37-2-4020-0105	Theatre In The Park (Plumb.)	7,493.00
To 37-2-4020-0106	Theatre In The Park (HVAC)	34,662.00
To 37-2-4020-0107	Theatre In The Park (Elec.)	18,863.00

Purpose: To establish accounts for general construction, plumbing, HVAC, and electrical for Theatre In The Park renovations.

From 01-2-1040-0001	Contingency	$ 30,000.00
To 01-2-1040-0211	Police Liability Insurance	30,000.00

Purpose: Payment of Police Liability Insurance.

Adopted: 12/3/85

***BID REQUEST 85-39 - LIQUID CHLORINE - BID AWARDED TO JONES CHEMICALS, INC.

Pursuant to advertisement as required by law bids received and publicly opened in the office of the Purchasing Agent on November 20, 1985 for approximately 840 tons of liquid chlorine and an annual price agreement for the period January 1, 1986 through December 31, 1986, with results as follows: Jones Chemical, Inc. - $352,000; Southchem, Inc. - $352,000; Suffolk Chemical Company - $352,000; McKesson Chemical Company - $352,000. It was pointed out in our instructions and conditions to bidders that "in the event of a tie bid (all terms, delivery, etc. are the same) the successful bidder will be the previous supplier as used by the City of Raleigh.

Recommendation: Administration recommends the bid be awarded to Jones Chemical, Inc. Consent agenda approval Cates/Walters - 8 ayes.

***BID REQUEST 85-40 - LIQUID CAUSTIC SODA - BID AWARDED TO SUFFOLK CHEMICAL COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 20, 1985 for approximately 1200 tons of liquid caustic soda and an annual price agreement for the period January 1, 1986 through December 31, 1986. The results of the bids were as follows: Suffolk Chemical Company - $146,904; Holtrachem, Inc. - $152.400; Southchem, Inc. - $158,028; Thompson Hayward Chemical Company - $172,440; McKesson Chemical Company - $204,000; Gowen Chemical Company - $210,000.

Recommendation: Administration recommends the low bid submitted by Suffolk Chemical Company be awarded. Consent agenda approval Cates/Walters - 8 ayes.

***BID REQUEST 85-41 - HYDROFLUOSILICIC ACID - BID AWARDED TO SUFFOLK CHEMICAL COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 20, 1985 for approximately 300 tons of hydroflusilicic acid an annual price agreement for the period January 1, 1986

through December 31, 1986 with results as follows: Suffolk Chemical Company - $18,957; Chemtech Industries, Inc. - $22,524; Jones Chemicals, Inc. - $23,310; Southchem, Inc. - $24,600.

Recommendation: Administration recommends the low bid submitted by Suffolk Chemical Company be awarded. Consent agenda approval Cates/Walters - 8 ayes.

***BID REQUEST 85-42 - LIQUID ALUMINUM SULFATE - BID AWARDED TO AMERICAN CYANAMID COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 10, 1985 for approximately 1500 tons of liquid aluminum sulfate an annual price agreement for the period January 1, 1986 through December 31, 1986 with results as of bids as follows: American Cyanamid Company - $152,850; Koch Sulfur Products Company - $161,100; Allid Chemical Corporation - $161,110; Gowen Chemical Corporation - $193,500; Tennessee Chemical Company - $201,600; Suffolk Chemical Company - $314,850.

Recommendation: Administration recommends awarding the low bid of American Cyanamid Company. Consent agenda approval Cates/Walters - 8 ayes.

***BID REQUEST 85-44 - CAST IRON SOIL PIPE - BID AWARDED TO PUMP AND LIGHTING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 20, 1985 for various sizes of cast iron soil pipe with results as follows: Pump and Lighting Company - $17,721.49; Ferguson Enterprises - $18,434.60; Noland Company - $18,830.96; POE Corporation - $19,365.55; Davis Meter and Supply Company - $19,379.25.

Recommendation: Administration recommends the low bid submitted by Pump and Lighting Company be awarded. Consent agenda approval Cates/Walters - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The agenda presented recommended changes in the traffic code relating to loading zones in the 100 block of Faircloth Street, speed limits on Glenwood Avenue and stop sign installation on Carr Street at Williamson Drive.

Recommendation: Administration recommends approval of the changes as outlined on the agenda. Consent agenda approval Cates/Walters - 8 ayes.

ORDINANCE NO. (1985) 683

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" by amended by adding the following:

Carr Street at Williamson Drive

Section 2. That Traffic Schedule No. 5A6 entitled "55 MILES PER HOUSE SPEED ZONES" be amended by adding the following:

Glenwood Avenue, from a point 200 feet west of Triangle Drive, eastward 1600 feet

Section 3. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by deleting the following:

Faircloth Street, east side, beginning at a point 121 feet north of Clark Avenue northward 45 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective December 10, 1985.

Adopted: 12/3/85
Effective: 12/10/85

END OF THE CONSENT AGENDA

***PARKS AND RECREATION - CONTRACT FOR BUILDING SECURITY - AWARDED TO GRAY, INC. PROTECTIVE EQUIPMENT COMPANY

The Parks and Recreation Department has security monitoring equipment at a number of park buildings. It is desired to add the new Apollo Heights Center to this program. The cost is $1,390.80 per year and funds are budgeted for this purpose.

Recommendation: That Council approve a five-year lease agreement with Gray Incorporated Protective Equipment Company for security services at Apollo Heights Center.

Mr. Campbell indicated he had withdrew this item from the Consent Agenda pointing out recently this building was officially dedicated and named the Ralph Campbell Senior Community Center. With that correction, Mr. Campbell moved approval of the contract. His motion was seconded by Mr. Meeker and a role call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SPECIAL ITEMS

***REZONING Z-115-85 - FALLS OF NEUSE ROAD - DENIED

This was a request for approval to rezone some 800 feet south of Strickland Road (2.2 acres) from Residential-4 to Office and Institution-I. CR-5862 from the Planning Commission recommended that this property be rezoned to Office and Institution-III. This recommendation was made at the November 5 Council Meeting and the action of the Council, at the request of Mr. Congleton, was to place the item on this Agenda for consideration.

Mr. Congleton indicated he has been discussing this case with the petitioners and the involved neighbors and they seemed to have resolved their differences, therefore, he would move approval of the Planning Commission's recommendation. His motion was seconded by Mr. Walters. Mr. Meeker indicated this appears inconsistent with the comprehensive plan. He explained the CAC previously opposed this request, pointing out it is joined on three sides by residentially zoned property. Mr. Congleton explained that the property on the north side was rezoned to Office and Institution at the last meeting and the two adjacent property owners concur with this zoning. Mr. Safran indicated the Planning Commission discussed this item at length and even with the concurrence of the neighborhood it is his opinion that it should not be O&I unless it is O&I-III. The motion as stated was put to a vote with results as follows: Ayes - Congleton, Walters, Upchurch; Noes - Burns, Campbell, Cates, Meeker, Safran. The Mayor ruled the motion defeated. Therefore, the property will remain zoned Residential-4.

***SUBDIVISION S-193-85 - BROOK PARK SUBDIVISION - TO BE PLACED ON THE DECEMBER 17, 1985 AGENDA

This was a request for approval to subdivide a 7.8 acre tract, zoned Residential-4, into 17 lots. The property is located on the north side of Northbook Drive, just west of Brook's Elementary School, inside the City Limits.

CR-5881 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Plan, Brook Park Subdivision," drawn by Robert T. Newcomb, III, RLS, dated September 1985, owned by Robert T. Newcomb, III, RLS.

During the November 19, 1985, Council Meeting, it was directed that this item be placed on this Agenda for further consideration.

Mr. Congleton indicated that he had asked that this item be placed on this agenda to give him an opportunity to discuss it with the neighborhood and he had not had that opportunity; therefore, he would ask that the item be deferred until the night portion of the meeting.

At the night portion of the meeting, Mr. Congleton indicated he had not been able to contact the neighborhood. Therefore, he would request that this item be held until the December 17 agenda. Ms. Cates questioned why, with Mr. Congleton indicating the neighbors are working with the developer to determine if they can purchase the land. Ms. Cates questioned if the developer minds this is being held with Mr. Congleton indicating the developer had not contacted him otherwise. Without objection, it was agreed to place this item on the December 17 agenda.

***SEWER EASEMENT - LIGHTFOOT - TO BE PLACED ON THE DECEMBER 17 AGENDA

During the November 19 Council Meeting, the Law and Finance Committee was prepared to make a recommendation that the City agree to provide assistance in acquiring a sewer easement to serve the Lightfoot Property if the private property owners' efforts to obtain this easement were unsuccessful. Additional information was received at the meeting and the Council directed that the item be placed on this Agenda for further consideration.

City Manager Benton indicated he had been contacted by the parties involved and they have requested that this item be placed on the December 17 agenda to give them additional time to work on the item. Mr. Congleton moved that the question relating to the off-site sewer easement - Lightfoot, be placed on the December 17 agenda as a special item. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Ms. Burns requested

that the following be withdrawn from the Consent Agenda CR-5921 (Z-140-85), CR-5929 (Z-148A-85), and CR-5932 (CP-11-85); Mr. Meeker requested that CR-5925 (Z-144-85) be withdrawn from the Consent Agenda. Ms. Burns also indicated on CR-5933 (Montague Building) that she would like to be excused from participation because of her interest involved. Mr. Walters moved that Ms. Burns be excused from participation on CR-5933. His motion was seconded by Ms. Cates and passed unanimously. The Mayor ruled the motion adopted. City Manager Benton indicated CR-5933 should be withdrawn from the Consent Agenda and considered during the night portion of the meeting when a related item will be discussed. Without objection this was agreed to. City Manager Benton requested that CR-5926 (Z-145-85) be held until the December 17 meeting, pointing out this is a conditional use request and there was an amendment made through the Planning Department and we did not receive the amendments in writing within the two day period. Therefore, it was agreed that item would be deferred until the December 17 agenda. With those comments and those items pulled, Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PA-129-85 FAST FARE CONVENIENCE STORE - APPROVED

This was a request for approval to construct a 3003 square foot building on a 0.6 acre parcel zoned Neighborhood Business. Existing building, canopies and gas pumps to be removed.

The site is located at the southwest corner of the intersection of Western Boulevard and Buck Jones, inside the City Limits.

CR-5839 from the Planning Commission recommended approval of this plan according to a map drawn by Quick Associates, dated September 20, 1985, owned by Fast Fare. Consent Agenda approval Walters/Cates - 8 ayes.

***TC-28-85 - RESIDENTIAL BUSINESS DISTRICTS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request to create a new zoning district entitled Residential Business District.

CR-5906 from the Planning Commission recommended that the new zoning category, Residential Business District, be approved as amended. Consent agenda approval Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 679 TC 256

AN ORDINANCE TO ESTABLISH A NEW ZONING CATEGORY ENTITLED RESIDENTIAL BUSINESS DISTRICT

Section 1. Section 10-2011 of the Raleigh City Code is hereby amended to reletter "l. Office and Institutional-I District" through "v. Historic District" respectively m. through w. Said section is further amended to add a new zoning district which shall follow "k. Residential 30 District" and which shall read as follows: "l. Residential Business District".

Section 2. A new section of the Raleigh City Code is hereby enacted to read as follows:

Section 10-2032.1 Residential Business district; permitted uses.

The intent of this district is to allow for development of residences and certain commercial uses supportive of and compatible in scale with a predominantly residential environment in areas of the greatest employment of the City.

(1) The following uses are permitted in a Residential Business district;

a. All uses permitted in a Residential-10 district.

b. Offices and studios of professional and service occupations and agencies permitted in the office and institutional district as listed in Section 10-2033(d).

c. Food Stores including grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy, nut and confectionery stores, dairy product stores, retail bakeries, and other miscellaneous food stores engaged in the retail sale of specialized foods.

d. Eating Places primarily engaged in the retail sale of prepared food and drinks for consumption on the premises except as prohibited or limited in use in this Section.

e. Personal Services such as laundries, dry cleaning pick-up stations, portrait photographic studios, beauty shops, barber shops, shoe repair and funeral services.

f. Fraternal or social organizations and civic clubs permitted in Residential 30 districts.

(2) Limitations on commercial uses permitted in a Residential Business District:

a. There shall be no curb service or drive-in trade associated with commercial uses.

b. A maximum of five thousand (5,000) square feet of gross floor area per structure with a continuous roof shall be permitted for commercial uses.

c. There shall be no temporary or permanent storage of vehicles, recreational vehicles, vehicles for hire, farm machinery, mobile homes, boats or motorcycles except for parking spaces required by Section 10-2061.

(3) Any retail or office establishment prohibited in the Buffer/Commercial district is prohibited in the Residential Business district.

(4) Sign regulations. All signage permitted in residential districts shall be allowed in the residential business district. All signage pertaining to commercial uses shall be attached to the building in which the establishment is located and limited in type to wall, awning and marquee signs. Commercial signage shall be limited to a maximum area of .5 square feet per lineal foot of each building wall facing a public street and shall be limited in height to ten (10) feet above ground level. Illuminated signs shall be shaded, shielded, or directed so that the light intensity or brightness does not disturb surrounding premises and does not exceed 0.4 maintained foot candle illumination.

(5) Permitted uses on approval of Board of Adjustment. In a Residential Business district uses not specifically covered by this chapter but consistent with the intent of the district may be permitted if approved by the Board of Adjustment under Section 10-2073 and 10-2094 after a finding that:

a. The business is retail or office.

b. The business handles sales of goods or services customarily destined for consumption by pedestrian trade existing in the area.

c. The operation will not be objectionable to adjacent residential uses because of noise, traffic, or other conditions.

Section 3. Another new section of the Raleigh City Code is hereby enacted to read as follows:

Section 10-2032.2 Residential Business; site plan approval.

(a) None of the uses authorized for a Residential Business district shall be permitted until a site plan showing the proposed development of the area has been approved by the Council after a recommendation thereon has been made by the City Planning Commission. The site plan shall illustrate the following features showing their approximate dimensions and shall meet all other applicable requirements of this chapter:

(1) The location and general exterior dimensions of all principal buildings, signs and any accessory buildings; and

(2) The location, arrangement and dimensions of automobile parking spaces, widths of aisles, width of bays and angle parking; and

(3) The location and dimensions of all vehicular drives, entrances and exits; and

(4) The location, arrangement and dimensions of all service areas; and

(5) Existing and proposed landscaping; and

(6) The location and dimension of all pedestrian entrances, exists, sidewalks and walkways; and

(7) The location of other site features such as drainage systems, walls, fences, ground cover, general landscape features and topography; and

(8) Drawings or renderings illustrating all exterior features; and

(9) Pedestrian-oriented uses, including but not limited to, retail, recreational, open spaces, entertainment or cultural facilities, etc.; and

(10) Special amenities, including but not limited to, pedestrian corridors, plazas, courtyards, lighting, street furniture, works of art, water features and paving materials; and

(11) The number of gross square feet per floor, maximum square footage of residential, office, retail and other uses and floor area ratio (FAR); and

(12) ANy proposed encroachments onto, under or above the public right-of-way; and

(13) The location of all existing windows, door openings, emergency access or exit ways, fire hydrants, standpipe or siamese connectors, emergency call boxes, emergency telecommunications equipment or any other emergency facility within five (5) feet of the proposed development of the area.

However, no site plan shall be required to be submitted for:

a. Interior improvements to existing structures or buildings not requiring additional off-street parking; and

b. Changes in use not limited by the approved site plan which do not require additional off-street parking.

(b) The Council may refuse to approve a site plan on the grounds that it:

(1) Fails to adequately protect other properties from adverse effects; or

(2) Fails to provide unity of development with other properties; or

(3) Fails to protect the public from a dangerous arrangement of vehicular or pedestrian ways; or

(4) Fails to provide adequate air and light to the development and surrounding properties; or

(5) Fails to protect public corridors and other public areas from adverse impact; or

(6) Fails to provide compatibility and harmony with surrounding building intensity and established design standards; or

(7) Exceeds the capacities of existing or proposed public facilities and services such as water and sewer lines, streets, fire, public safety and trash collection services.

The Council may also refuse to approve a site plan if it fails to conform with City Council-adopted plans and standards. If there are conflicts between plans and code restrictions, the more restrictive shall apply. After approval, a copy of the approved plan shall be filed with the Inspections Department, and no building or grading permit shall be issued except in conformity with the plan, and no demolition permit shall be issued except in conformity with the plan or upon a determination by the Director of Inspections or his designee that demolition is required for the public safety because of an unsafe or dangerous condition. But nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approval pursuant to Chapter 3 of this part.

Within three (3) years after approval of the site plan, at least one-half of the gross floor area shown on the site plan shall be completed and the remaining half of the site plan shall be completed two (2) years thereafter or within five (5) years from the approval of the site plan. Failure to complete construction required herein shall automatically void the unconstructioned portions of the approved site plan unless the City Council, following a recommendation of the planning commission and direction of planning, finds that:

(1) A request for an extension has been made to the planning director prior to the expiration period; and

(2) Unconstructed portions of the preliminary plat conform to all ordinances, laws, City policies and provisions of the comprehensive plan in effect at the time of the requested extension; and

(3) The delay in construction could not have been prevented by due diligence.

(c) The Planning Director may approve, without City Council or Planning Commission review, site plans or amendments to approved site plans which satisfy the following requirements:

(1) Expansion of an existing building or structure or construction of an accessory building or structure, representing five (5) percent or less of the floor area and use limitations of the existing buildings or structures on the lot or project; or

(2) Alteration of an approved site plan which involves expansion of an approved building or structure or the addition of an accessory building or structure representing five (5) percent or less of the floor area and use limitation of the approved buildings or structures on the site plan; or

(3) Expansion or changes in off-street parking of less than five (5) percent of the area of existing or approved parking consistent with Section 10-2061; or

(4) Minor alterations of other features, including relocation of buildings or uses on an approved site plan, which represents the same general building relationships, topography, landscaping and minimum utility standards; or

(5) Alterations to signs which conform to Sections 10-2065 through 10-2066.4 inclusive; or

(6) Changes to exterior features which conform Council-adopted plans and standards.

The Planning Director must make the following findings before approving such a site plan or an amendment to a site plan:

(a) The landscaping or screening on the site or on the approved site plan is not diminished; and

(b) The off-street parking is not reduced below the minimum required by this code; and

(c) The number of access points to public streets is not increased nor substantially relocated; and

(d) The circulation pattern provides for a safe, controlled and orderly flow of pedestrians or vehicles; and

(e) The changes or additions do not require subdivision approval or otherwise violate any provisions of this code.

Section 4. The table entitled "Yard Requirements and Density Standards According to Zoning Districts," referred to in Section 10-2063(a) and appearing on Pages 10-41 and 10-42 of the Raleigh City Code, Supplement No. 15, 4-85, is hereby amended to add a new line to follow Residential 30 which shall read "Residential Business" under the District column, "0" under all yard space columns, and "10" under the Families per acre column.

Section 5. Subsection 10-2064(a)(1) of the Raleigh City Code relating to maximum height limits in zoning districts is hereby amended to add the words "residential business districts," immediately following the current words "In residential districts,".

Section 6. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict. But nothing herein shall be construed to deminish the authority given to the Board of Adjustment under Sections 10-2076 through 10-2083.

Section 7. If this ordinance or application thereof to any per circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective five (5) days following its adoption.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Adopted: 12/3/85
Effective: 12/8/85

***SUBDIVISION S-168-85 - CHRISTY WOODS CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide Phase A of a three phase cluster unit development. Three phases to include a total of 115.83 acres, zoned R-6 with a total of 587 units. Phase "A" contains 305 single-family lots, Phase "B" to contain 43 single-family lots and Phase "C" to contain 239 multi-family attached units. All open space shown is to be owned and maintained by a homeowners association.

The site is located on the east side of New Hope Road, just north of Southall Road, outside the City Limits.

CR-5907 from the Planning Commission recommended that this request be approved according to a map drawn by Lamarr Bunn & Associates, dated October 2, 1985, owned by The Fletcher Group, Inc. A, with the following conditions:

1. That the legal documents for the non-profit homeowners association and pump station and force main maintenance be reviewed and approved by the City Attorney's Office prior to the recording of the final plats;

2. That the developer construct a pump station and force main of sufficient size to serve Phases A and B;

3. That the force main and pump station be privately owned and operated until or unless the City determines it is in the public interest to take over ownership and maintenance, in which case the pump station, force main and necessary easement shall be dedicated to the City without cost;

4. That the force main and pump station design be approved by the City Administration and include provisions for remote radio monitoring;

5. That the property be connected to the City water system with extensions under normal City policy;

6. That the number of individual connections within the developers project be limited to serve only the single-family lots of Phases A and B (348 lots) until the pump station can be replaced with an entirely gravity flow system;

7. The developer and administration will jointly monitor system capacity and will work together to insure the temporary pump station connections do not overburden the system on the west side of New Hope Road and that gravity sewer from the east is extended as promptly as possible. In the event gravity sewer from the east is not available within a reasonable time period, Administration and the developer will review the pump station capacity to determine if additional connections are warranted; and,

8. That the property owner prior to recording of any lots, enter into an agreement with the City regarding the termination of the pump station and connection to the City utility system once gravity sewer is available to the site.

Consent agenda approval Walters/Cates - 8 ayes.

***PA-152-85 - C. S. CALDWELL - APPROVED WITH CONDITION

This was a request for approval to locate, on a temporary basis, a mobile home to be used as the living quarters for the housekeeper/nurse of the property owners. Parcel is 25.54 acres in size, zoned Office and Institutional-I and presently is developed with a single-family residence and several farm related outbuildings.

The site is located on the east side of Six Forks Road and south of Strickland Road, outside the City Limits.

CR-5908 from the Planning Commission recommended that this request be approved with the condition that the Board of Adjustment approve a variance to allow the location of a mobile home on a temporary basis in an Office and Institutional-I zoning district. Consent agenda approval Walters/Cates - 8 ayes.

***TC-31-85 - ABANDONMENTS/MODIFICATIONS TO USE EXCEPTIONS - APPROVED
- ORDINANCE ADOPTED

CR-5910 from the Planning Commission recommended that Section 10-2073, "Special Use Exceptions, approved by the Board of Adjustment," be amended to limit the duration of the special use permit. Copies of this proposal are on file in the Planning Department.

Consent agenda approval Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 684 TC 257

A ZONING ORDINANCE TO LIMIT ABANDONMENTS AND MODIFICATION TO USE EXCEPTIONS.

WHEREAS, N.C.G.S. 160A-381 authorizes the City of Raleigh to delegate to the Raleigh board of adjustment the power to issue special use permits and conditional use permits; and

WHEREAS, N.C.G.S. 160A-381 authorizes the City of Raleigh to enact reasonable and appropriate conditions, and safeguards upon the issuance of special use and conditional use permits; and

WHEREAS, the North Carolina Supreme Court has stated that zoning regulations are not a contract between property owners and the local government; and

WHEREAS, an abandonment provision will facilitate administration and record keeping of special use permits; and

WHEREAS, the modification of special use and conditional use projects can substantially affect adjoining properties and the character of the neighborhood, the Raleigh City Council finds that such modification should not occur without the prior approval of the Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2073(d) of the Raleigh City Code relating to conditions on use exceptions is hereby amended by making the existing regulation subsection (1) and by relettering number 10-2073(d)(1) - (15) a. - o., respectively.

Section 2. Subsection 10-2073(d)(1) of the Raleigh City Code, subsection o, is hereby relettered p and that a new subsection, 10-2073(d)(1)o., is hereby added to 10-2073(d)(1), said new subsection shall precede the last subsection of 10-2073(d)(1), and it shall read as follows:

"o. Limit duration of the special use permit for either a limited or an indefinite period of time.".

Section 3. Section 10-2073(d) of the Raleigh City Code is hereby amended to add a new subsection (2), said subsection to follow 10-2073(d)(1)p.

"(2) All exceptions approved by the board pursuant to this section whether or not such exceptions contain any limiting conditions, are expressly limited by the conditions set forth in subsection 10-2073(e), below; and such exceptions may be set aside or modified if the board finds that:

a. Fraud, misrepresentation or other misconduct occurred at the proceeding before the board; or

b. violation of any imposed limiting condition or term of this chapter exists.

No decision of the board shall be set aside or modified until the landowner, tenant and any lienholder of record of a lot subject to an exception is sent written notice and a hearing on the matter is held.

If a review proceeding is held, the Board of Adjustment is to determine that the applicable requirements for the use exception are met. The board in its review should give special attention to the impact of the use exception on adjoining properties and the extent of financial investment made in the use exception, particularly for use exceptions approved prior to the effective date of this ordinance ( ). After the board has reviewed the special use exception it may discontinue, continue, or continue with conditions the use exception.

After the effective date of this ordinance ( ) use exceptions approved by the board shall include a statement that the use exception is subject to review for fraud, misrepresentation or other misconduct at the proceeding before the board or for violations or either this chapter or an imposed limiting condition and upon such a determination the use may be discontinued, continued, or continued with conditions; the statement shall also contain the following:

"If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect."

The board shall have no authority to vary the requirements in this section, 10-2073, unless specifically authorized, nor shall the board vary any requirement for a City Council special exception.".

Section 4. Section 10-2073(e) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(e) Limits on use classification, changed to approved exceptions, and abandonment.

(1) Where in this section the board is authorized to approve exceptions, such approval shall not change the use classification of the building nor give it any status as a nonconforming use, such as is referred to in Section 10-2076.

(2) Where in this section the board is authorized to approve exceptions, such approved exceptions shall not without the prior approval of the board thereafter;

a. change to another use for more than thirty days;
b. increase its density or intensity; or
c. enlarge, expand, or increase its size; or
d. increase the requirements for off-street parking spaces; or
e. substantially change the exterior appearance of the building.

(3) Any exceptions approved by the board, including exceptions approved prior to the effective date of this ordinance, that are either changed to another use for more than thirty days other than that for which the special use permit was issued or discontinued or ceased for a continuous period of 365 days or more is null and void.".

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective upon its adoption.

Adopted: 12/3/85

ORDINANCE NO. (1985) - 685 TC 258

AN ORDINANCE TO EXPAND AREAS WITHIN THE BUSINESS DISTRICT THAT ARE EXEMPTED FROM OFF-STREET PARKING REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. That the second paragraph of Subsection 10-2061(k)(1) is hereby amended to read as follows:

In that portion of the business district as classified in this chapter bounded as follows: Beginning at the intersection of Hillsborough Street and West Edenton Street; east on Edenton Street; south on Salisbury Street to Hillsborough Street; east to New Bern Avenue, south on Person Street, west on South Street, northwest on Southern Railroad, north on Harrington Street, west on Morgan Street, and north on Southern Railroad to Hillsborough Street, the off-street parking requirements as set forth in subsection (a) are specifically exempted except for special high-density residential projects approved pursuant to Section 10-2072(a).

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If This ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. This ordinance shall become effective five days following its adoption.

Adopted: 12/3/85
Effective: 12/8/85

***REZONING Z-137-85 - NORTH BOYLAN AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone .45 acres from Special Residential-30 to Office and Institutional-II, Conditional Use District.

CR-5919 from the Planning Commission recommended that this request be approved.

Consent agenda approval Walters/Cates - 8 ayes. See Ordinance.

***REZONING Z-142-85 - SIMMS BRANCH - APPROVED - ORDINANCE ADOPTED.

This was a request for approval to rezone 1 acre from Residential-4, Residential-6, Conservation Buffer to Conservation Buffer, Residential-6, Residential-4.

CR-5923 from the Planning Commission recommended that Z-142-85 be approved as Conservation/Buffer, Residential-6 and Residential-4.

Consent agenda approval Walters/Cates - 8 ayes. See Ordinance 686 ZC 175.

***REZONING Z-143-85 - US 1 NORTH - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone 1 acre from Residential-6 to Industrial-I.

CR-5924 from the Planning Commission recommended that Z-143-85 be approved as Industrial-I. Consent agenda approval Walters/Cates - 8 ayes. See Ordinance 686 ZC 175.

***REZONING Z-148B-85 - HIGHWAY 50 - DENIED (TWO YEAR WAITING PERIOD - WAIVED)

This was a request for approval to rezone the northern parcel from Residential-4 to Office and Institutional-III.

CR-5935 from the Planning Commission recommended denial with recommendation to waive two year waiting period and authorize staff to accept Office and Institutional Conditional Use application on December 3. Consent agenda approval Walters/Cates - 8 ayes.

***REZONING Z-150-85 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone 7.8 acres from Residential-10 to Office and Institutional-I, Conditional Use.

CR-5931 from the Planning Commission recommended that Z-150-85 be approved as Office and Institutional-I, Conditional Use. Consent agenda approval Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 686 ZC 175

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) North Boylan Avenue, east side, extending from Devereux Street south to Hinsdale Street, being Parcels 1-4, Block D-89, Zone Map D, No. 21, rezoning to Office and Institution-II Conditional Use District. (Z-137-85)

Conditions as follows:

1. The property shall be restricted to office and residential uses only, with the maximum residential density being that allowed in O&I-I. There shall be no provisions for hotels, motels, or special and related service uses that may otherwise be permitted in O&I districts or allowed by the Board of Adjustment.

2. The two corner parcels (designated as Lots 1 and 4 on the accompanying Wake County tax map) shall have a twelve and one-half foot (12.5) wide landscaped yard space between any building constructed thereon and the sidewalks along Devereux Street and Hinsdale Street, respectively. In conjunction with the construction of a building on these lots, any portion of the lots that shall be used for parking shall conform to the prevailing City ordinance regarding parking lot yard spaces and the landscaping thereof. Those landscaped areas shall contain living ground cover or plant materials, including trees. Driveways will be permitted across these yard spaces.

3. All four parcels shall be restricted to not less than a fifteen (15) foot landscaped yard space along Boylan Avenue; provided, however this restriction shall not apply to the two corner parcels (Lots 1 and 4) until buildings are constructed on those parcels. Such yard space shall be measured from the sidewalk and it shall contain living plant and ground cover materials including trees. Driveway accesses will be permitted across these yard spaces and porches, porch steps and related overhangs on the existing houses will be permitted to penetrate these spaces.

4. Future development of the parcels shall conform to the design standards for the Special R-30 district as set forth in Section 10-2072(f) of the Raleigh City Code, except that the requirements of Section 10-2072(f)(5) shall not apply, and the following requirement is imposed in lieu thereof:

The longest side in a continuous plane of the existing building(s) after additions are made, or of a new building, that opens to a parallel street shall not exceed one and one-half (1½) times its height, or the average of the height-to-width ratio found in three or more buildings on the block face, whichever is greater. A continuous plane is considered to be the surface of any primary wall that is not broken by an angled wall that creates an offset, cantilever, or protrusion of at least five (5) feet in length and that terminates in

a wall with a minimum length of fifteen (15) feet that runs generally parallel to the primary wall. Renovation of existing buildings, without the addition of enclosed floor space, shall be exempt from this requirement.

(b) Simms Branch, between Hiking Trail (under construction) and Durant Road (south side), being a portion of Parcel 15, Tax Map 305, rezoned to Conservation/Buffer, Residential-4 and Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-142-85)

(c) U.S. 1 North, some 400 feet west of the right-of-way, between Wake Forest Road and U.S. 1 North, being Parcel 75, Tax Map 354, rezoned to Industrial-I. (Z-143-85)

(d) Duraleigh Road, west side, opposite Deep Hollow Drive, being Parcels 10A, 10 and 23, Tax Map 376, rezoned to Office and Institution-I Conditional Use with conditions as follows: (Z-150-85)

The property shall be developed and used for general office purposes as described in Raleigh Code Section 10-2033(d) and related service facilities permitted by Raleigh Code Section 10-2033(f). Other uses normally permitted in the O&I-I district such as residential, government buildings, etc. shall not be permitted.

Buildings constructed shall not exceed 30 feet in height above finished ground elevation.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 12/3/85

***ETJ REVISIONS - GARNER - APPROVED

This was a request to modify the City's ETJ.

CR-5934 from the Planning Commission recommended that this request be approved which would allow the property to come entirely under Garner's regulation.

Consent agenda approval Walters/Cates - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

***REZONING Z-140-85 - SANDY FORKS ROAD - DENIED

This was a request for approval to rezone 2.8 acres from Residential-4 to Shopping Center.

CR-5921 from the Planning Commission recommended that this request be amended to rezone the property to Office and Institution-I.

Planning Director Chapman explained the rezoning request and the Planning Commission's recommendation. Mr. McNeely indicated we have had a lot of piecemeal rezonings in this area and with what has occurred around this piece of property, it is felt that this property should be rezoned and be joined to the O&I adjacent to it and across the road. Ms. Burns indicated she has concern that this portion of Sandy Forks Road which has a high level of multi-family dwellings and she feels that residential development should be on that side of the street. Mr. Congleton pointed out the O&I next to the property is being built residential. He stated the road is very curved here and only two lanes. He indicated this is a problem piece of land and it may be this would be a good example of O&I conditional use; therefore, he would move denial of the rezoning application. His motion was seconded by Ms. Burns and put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Safran who voted in the negative. Mr. Walters pointed out O&I would allow residential. The Mayor ruled the motion adopted. Therefore, the property will remain Residential-4

***REZONING Z-144-85 - US 1 NORTH - APPROVED ON FIRST READING; TO BE PLACED ON DECEMBER 17 AGENDA FOR SECOND CONSIDERATION

This was a request to rezone 81 acres from Residential-6 to Thoroughfare District.

CR-5925 from the Planning Commission recommended that Z-144-85 be approved as Thoroughfare District.

Mr. Meeker indicated this is thoroughfare district zoning that would go back 1900 feet from this highway. He stated he does not believe that the City has a policy as to how deep thoroughfare district should be and maybe this should be referred to a committee to come up with a policy and that policy could be applied in this case. Mr. McNeely indicated this recommendation was to give unity to the tract of land. He explained the power lines topography of the area in general. Mr. Walters indicated

he felt that if the City had done more research when this property was brought in that the whole property would have had the same zone. Mr. Safran indicated that this would not be an end to this problem, pointing out that almost every time the Planning Commission has tried to made a benchmark decision or say that a zone would go only so deep from a road, that it just does not work. He pointed out this type thing has to be decided on a case by case situation. Mr. Meeker moved that this case be referred to Law and Finance Committee for development of a policy of how far thoroughfare district should go back from a road and then apply that policy to this case. His motion was seconded by Ms. Cates. Mr. Walters made a substitute motion to approve the Planning Commission's recommendation. The substitute motion was seconded by Mr. Safran and put to a vote with results as follows: Ayes - 5 (Campbell, Congleton, Safran, Walters, Upchurch); Noes - 3 (Burns, Cates, Meeker). The Mayor ruled the motion adopted but pointed out since it only received five affirmative votes that the ordinance would be placed on the next agenda for a second consideration.

ORDINANCE NO. (1985) 687 ZC 176

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) U.S. 1 North, approximately 1500 feet eastward, between Spring Forest Road and Old Wake Forest Road, being portions of Parcels 210, 211, and 225, Tax Map 382, rezoned to Thoroughfare District, according to map on file in the City of Raleigh Planning Department. (Z-144-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon adoption at the second reading.

Adopted: 1st Reading: 12/03/85
2nd Reading: 12/17/85

***REZONING Z-148A-85 - HIGHWAY 50 - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone the southern parcel from Residential-4 to Office and Institution-III.

CR-5929 from the Planning Commission recommended that Z-148-A-85 be approved as Office and Institution-III.

Planning Director Chapman explained the request. Mr. McNeely explained the Planning Commission's recommendation and the discussion in the Planning Commission pointing out there was no one at the Planning Commission to speak on this item. Ms. Cates pointed out this was the case she pulled indicating she would like to refer it to the Comprehensive Planning Committee so that they could look at this case and the entire Creedmoor Road corridor plan. Her motion was seconded by Ms. Burns and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CP-11-85 - AMENDMENT OF COLLECTOR STREET PLAN RELATING TO BROADLAND DRIVE - APPROVED

This was a request to amend the Comprehensive Plan for Broadland Drive as a Collector Street.

CR-5932 from the Planning Commission recommended approval.

Planning Director Chapman explained the proposal. Mr. McNeely indicated this is a clean up to the Comprehensive Plan due to the development in the area. Ms. Burns stated she had pulled this for her information indicating the hearing was before she was elected to the Council. She questioned if the neighborhood was involved with Mr. McNeely indicating they were and were supportive of this proposal. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION (1985) 22

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-11-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to the City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances:

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Broadlands Drive Area, a revision to the Collector Street Plan is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that the Collector Street Plan of the Comprehensive Plan be amended to include Broadlands Drive as a Collector Street in the attached amendment number CP-11-85.

Adopted: 12/3/85

***REZONING Z-132-85 - ROCK QUARRY ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone 1.45 acres from Residential-4 to Neighborhood Business.

CR-5915 from the Planning Commission recommended that this request be denied.

Planning Director Chapman explained the proposal. Chairman McNeely explained the Planning Commission's discussion pointing out the reason this was not given unanimous denial is that two of the Planning Commission members felt that they should have offered an alternative, explaining the Planning Commission felt this area would be better served if this had been a conditional use application. He explained there was no opposition at the public hearing nor at the Planning Commission meeting. Mr. Campbell indicated the property owners would like to see this as a conditional use and moved that the matter be referred to Law and Finance Committee. His motion was seconded by Mr. Meeker. Mr. Walters questioned why the Council did not deny the request and grant a waiver which would allow a conditional use application to be filed. Discussion took place on the proper procedure of converting a zoning case to a conditional use case after which the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-139-85 - NORTH HILLS DRIVE - DENIED; WAIVER OF TWO YEAR WAITING PERIOD - GRANTED

This was a request for approval to rezone 1.9 acres from Residential-4 to Residential-6.

CR-5920 from the Planning Commission recommended that this request be denied.

Planning Director Chapman explained the request. Mr. McNeely explained prior to the Planning Commission meeting there was discussion about putting this case into a committee. He indicated the petitioner came to the meeting, checked with a staff member and was told that the case would be referred to a committee so the applicant left; however, when the case came up discussion took place and the Planning Commission voted to deny the case. Mr. Walters pointed out there has been discussions about the possibility of converting this case to a conditional use and he would have no problem denying the case and granting a waiver. Mr. Walters moved that rezoning Z-139-85 be denied and that a two year waiting period be waived. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-146-85 - FALLS OF NEUSE - TO BE PLACED ON DECEMBER 17 AGENDA

This was a request for approval to rezone 2.45 acres from Office and Institutional-I to Shopping Center, Conditional Use.

CR-5927 from the Planning Commission recommended that this request be approved as requested.

City Manager Benton indicated action should be deferred on this case and the matter placed on the December 17 agenda. He indicated this is a conditional use and amendments were made to the conditions but were not received in writing in the two day required period; therefore, requested that this item be deferred until the December 17 agenda. Without objection, this was agreed to.

***TRANSFER OF DENSITY - CLARIFICATION - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mayor Upchurch indicated he feels it would be appropriate to get the City Council to establish a policy concerning the relationship between rezonings along the Northern Wake Expressway and the recently adopted density transfer ordinance. He indicated the things he is concerned about is that the City administration and the Planning Commission evaluate all rezoning requests along the Northern Wake Expressway in conjunction with the recently adopted density transfer ordinance so as to consider the possibility of double dipping and that no rezonings be approved when the requested rezoning together with the allowable density transfer exceed the planning objectives of the City. He indicated planning objectives of the City are not defined because these objectives are determined by the Council when it rezones property and varies from location to location. Without objection, this item was referred to Public Works Committee

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***ARTSPACE INCORPORATED - AGREEMENT AUTHORIZED

Mayor Upchurch reported the Downtown Committee recommends that the City enter into an agreement for funding assistance for Artspace, Incorporated, which would provide for a $60,000 per year grant for two years beginning January, 1986 (total of $120,000). The agreement would also provide that in the following three consecutive years, the City would provide additional funds, if needed, with a cap of $60,000 per year to be paid back over a ten-year period beginning the first month after the fifth year of operation in the Sanders Ford Building. It is understood that at the end of the first two years, the City would review the financial condition of Artspace prior to proceeding with the following three years of this agreement. A copy of the proposed agreement was included in the Agenda packet. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters. Mr. Congleton questioned how much City money has been spent on this project to date. City Manager Benton indicated we do have money budgeted but no City money has been spent. Mr. Meeker indicated he feels with the renovation projects around Moore Square and with the popularity of Artspace, Inc. with the local artist and community, he feels that this project should be supported by the City. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PARKING STUDY - KIMLEY-HORN - REFERRED TO JANUARY WORK SESSION

Mayor Upchurch reported the Downtown Committee has received a report from Kimley-Horn relating to the Parking Study as well as comments from the Downtown Development Corporation and Downtown Advisory Committee. The Committee recommends that this item be referred to the January Work Session for a detailed explanation of the study and various comments. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT FROM TRIANGLE J COUNCIL OF GOVERNMENTS

***TRIANGLE J COUNCIL OF GOVERNMENTS - INFORMATION RECEIVED

Mr. Walters indicated the November meeting was cancelled. He briefly explained the meeting schedule pointing out that the next Triangle J Council of Governments meeting is December 4, at 6:30 p.m. in the COG office, pointing out it is a dutch dinner. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***CABLEVISION - PUBLIC ACCESS STUDIO - LEASE AGREEMENT APPROVED

The Cable franchise provides for a public access studio to be constructed by Cablevision in the Civic Center. A lease has been negotiated with Cablevision for the use of this space and a copy is included in the Agenda packet.

Recommendation: That the Council approve the proposed lease agreement. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Mr. Meeker and put to a roll call vote which passed unanimously. The Mayuor ruled the motion adopted.

***THEATRE IN THE PARK - RENOVATIONS - CONTRACTS AWARDED TO WILLIAM C. VICK CONSTRUCTION COMPANY, TRIANGLE MECHANICAL CONTRACTOR INCORPORATED, NEWCOMB AND COMPANY, AND WELLS ELECTRIC SERVICE - FUNDS SET UP

A project in the Capital Improvements Program involves improvements to this building which is leased to Theatre-In-the Park (TIP). As part of this project, TIP is to make a financial contribution to the improvements. Bids have been received for this work which includes new heating and air conditioning units, restroom access improvements, relocation of ticket booth, office and public entrance, upper mezzanine improvements, and enlargement of prop storage area.

A copy of the bid tabulation was included in the Agenda packet. With these bids, the TIP commitment would be $47,894.

Recommendation:

(1) That Council approve the following budget amendment establishing receipt of TIP funds:

Increase Revenue		
37-1-0030-0100	Theatre-In-The-Park	$47,894
Increase Expenditure		
37-2-4020-0100	Theatre-In-The-Park	$47,894

(2) That Council, subject to receipt of $47,894 from TIP, approve the low bids received for this project and authorize contract awards to William C. Vick Construction Company for $58,717, Triangle Mechanical Contractor, Inc., for $7,493, Newcomb and Company for $34,662, and Wells Electric Service, Inc., for $18,863.

(3) That Council approve the following transfer of funds:

Transferred From:		
37-2-4020-0100	Theatre-In-The-Park	$119,735.00
Transferred To:		
37-2-4020-0101	TIP - Gen.	$ 58,717.00
37-2-4020-0105	TIP - Plumb.	7,493.00
37-2-4020-0106	TIP - HVAC	34,662.00
37-2-4020-0107	TIP - Elec.	18,863.00
		$119,735.00

Brief discussion took place after which Mr. Congleton moved the Manager's recommendations be upheld. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 682 TF 10 and Ordinance 680.

***TRANSPORTATION PLAN UPDATE - REFERRED TO DECEMBER 19 WORK SESSION

The staff is completing its work on the Transportation Plan Update. This is the City's long-range transportation planning document. It is proposed that the staff present a Preliminary Transportation Plan Update to the Council at the December 19, Council Work Session. This follows previous presentations to the Council on projections for populations, housing and employment, and deficiency analysis of the present Transportation Plan.

Recommendation: That Council refer the Transportation Plan Update to its December 19, Work Session. Without objection, the item was referred to Work Session.

***CITY MARKET PROJECT - FINANCIAL ARRANGEMENTS - RESOLUTION ADOPTED

The final phases of the financial arrangements of the City are ready to be made. This involves the issuance and sale of $4,000,000 Redevelopment Bonds and the consummation of the appropriate loan agreements. Included in the Agenda packet was a resolution which is proposed for Council action. A summary of the proposed transactions was also included in the Agenda packet. A copy of the detailed documents are available in the City Manager's Office and City Attorney's Office.

Recommendation: That the Council adopt the resolution as proposed. Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 23

RESOLUTION ON AUTHORIZING THE
ISSUANCE AND SALE OF $4,000,000 REDEVELOPMENT
BONDS (RALEIGH CITY MARKET PROJECT) AND THE EXECUTION AND
DELIVERY OF A BOND PURCHASE AGREEMENT, LOAN
AGREEMENT, ASSIGNMENT OF LEASES, ASSIGNMENT OF LOAN AGREEMENT
AND NOTE, ASSIGNMENT, AND OTHER DOCUMENTS

WHEREAS: City Market Associates, a North Carolina limited partnership (the "Partnership"), has requested the City of Raleigh, acting in its capacity as a redevelopment commission (the "Issuer"), to undertake the purchase, renovation, construction, extension, improvement and/or equipping of a certain facility (the "Project") in Raleigh, North Carolina which will be of the character and will accomplish the purposes of the North Carolina Urban Redevelopment Law, N.C. Gen. Stat. § 160A, as amended (the "Act"), and the Issuer has agreed to do so; and

WHEREAS: The Issuer proposes to finance a part of the cost of the Project by the issuance of its redevelopment bonds in the principal amount of $4,000,000 pursuant to a Bond Purchase Agreement, such bonds to be secured by a pledge of all receipts to be derived under a loan agreement with the Partnership, including payments on a promissory note with respect thereto (except in each case to payment to the Issuer for indemnification and Issuer expanses), and the mortgage of certain real property and a security interest in certain personal property and in the Project; and

WHEREAS: A public hearing pursuant to valid notice was held by the Issuer in Raleigh, Wake County, North Carolina, on the 1st day of October, 1985 to hear comments on the Issuer's proposed issuance of the Bonds (as hereinafter defined), all in satisfaction of the requirements of Section 103(k) of the Internal Revenue Code of 1954, as amended; and

WHEREAS: There have also been presented to this meeting the forms of the following instruments which the Issuer proposes to execute to carry out the transactions described above, copies of which instruments shall be filed with the records of the Issuer:

(a) Bond Purchase Agreement, dated as of December 1, 1985 (the "Bond Purchase Agreement"), among the Issuer, the Partnership, and NCNB National Bank of North Carolina (the "Purchaser");

(b) Loan Agreement between the Issuer and the Partnership, dated as of December 1, 1985 (the "Loan Agreement"), with the promissory note of the Partnership (the "Note") in the principal amount of $4,000,000;

(c) Assignment of Leases between the Partnership and the issuer, dated as of December 1, 1985 (the "Assignment of Leases");

(d) Assignment from the Issuer to the Purchaser, dated as of December 1, 1985 (the "Assignment");

(e) Assignment of Loan Agreement and Note from the Issuer to the Purchaser, dated as of December 1, 1985 (the "Assignment of Loan Agreement"); and

(f) The form of the Issuer's $4,000,000 Redevelopment Bonds (Raleigh City Market Project) (the "Bonds") bearing interest and payable as set forth herein.

NOW, THEREFORE, the Issuer does the following:

BE IT RESOLVED BY THE RALEIGH CITY COUNCIL FOR THE ISSUER:

1. It is hereby found and determined that the financing and location of the Project for the Partnership within the corporate boundaries of the City of Raleigh will rehabilitate and improve a blighted area of the City of Raleigh and such rehabilitation will be in the best interest of Raleigh, North Carolina, and the inhabitants thereof.

2. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Bond Purchase Agreement to the other parties thereto for the Issuer.

3. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Loan Agreement to the Partnership for the Issuer.

4. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment of Leases to the Partnership for the Issuer.

5. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment to the Purchaser for the Issuer.

6. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Assignment of Loan Agreement to the Purchaser for the Issuer.

7. The Mayor of the City of Raleigh is authorized and directed to accept the Note, execute the form of assignment thereon, and deliver the Note to the Purchaser for the Issuer.

8. The Mayor of the City of Raleigh is hereby authorized and directed to execute, the Clerk of the City of Raleigh is authorized and directed to affix and attest the seal of the City of Raleigh to, and either is authorized and directed to deliver the Bonds to the Purchaser for the Issuer upon execution by the Purchaser of the Bond Purchase Agreement.

9. The Bond Purchase Agreement, the Loan Agreement, the Assignment of Leases, the Assignment, Assignment of Loan Agreement, the Note and the Bonds shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officers executing them, their execution to constitute conclusive evidence of their approval of any such omissions, insertions and changes.

10. The officers of the Issuer are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds and the undertaking of the Project.

11. All other acts of the officers of the Issuer which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the undertaking of the Project are hereby approved and confirmed.

***INSURANCE PROGRAM - LIABILITY INSURANCE - UMBRELLA INSURANCE POLICY DROPPED - INCREASE IN PUBLIC OFFICIALS INCREASED

The City's Risk Management Program has consisted of a combination of self-insurance, program liability insurance such as vehicles, general facilities, public officials, and workers compensation. In addition, the City has carried a catastrophe insurance

policy known as an Umbrella Policy which provided additional insurance in the various program areas of $5,000,000. We have been able to retain our basic liability insurance policies even though at drastic premiums increases. The renewal date for the Umbrella Policy is December 8. The current annual premium for this policy is $11,000 and the proposed premium is $150,000.

After reviewing our current policies, it is concluded that the City has, without the Umbrella Policy, reasonable insurance coverage to address projected risks except in the public officials and employee liability areas. A copy of the City's policy coverages is included in the Council Agenda packet.

It has been determined that the coverage limits for public officials and employee liability insurance can be increased to $1,000,000 for the period until September, 1986.

Recommendation: That the Council decline to continue the Umbrella Insurance Policy due for renewal on December 8, 1985, and authorize the increase in public officials liability insurance to $1,000,000 with the appropriate transfer of funds to accommodate the increased cost of $30,000 for this fiscal year.

City Manager Benton explained this item. He pointed out we are working with the North Carolina League of Municipalities on their analysis of liability coverage and will keep the Council updated. Mr. Walters commended the staff for their diligent work pointing out this liability insurance premium increase is a problem nationwide. Mr. Walters moved approval of the Manager's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***EXTRATERRITORIAL PLANNING JURISDICTION EXTENSION - RESOLUTION ADOPTED

The City has an agreement with Wake County concerning the extension of sewer lines into the area known as the Perry Creek/Neuse River Basin. A map was included in the Agenda packet indicating this area. As part of that agreement, the County agrees to allow the City to extend its planning jurisdiction into this area as quickly as allowed by State law. The State law limits the City's planning jurisdiction to no more than three miles from the Corporate Limits.

Two requests have been received from property owners requesting that the City extend its planning jurisdiction in this area.

(1) Goforth Development Company has 1,200 acres on the north side of Durant Road. A letter of request is included in the Agenda packet.

(2) Perry Creek Road - An individual has requested the extension of the planning jurisdiction for 164 acres. A letter and map is included in the Agenda packet.

Recommendation: That the Council adopt a resolution requesting that the City's planning jurisdiction be extended to include these two areas.

City Manager Benton explained the proposal and presented a map showing the locations of the property involved. Mr. Walters indicated this is within the guidelines that are already being worked on, therefore, he would move approval of the Manager's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Resolution 24 on Page _____.

***PRIVILEGE LICENSE - FALLOUT SHELTER - APPROVED

City Manager Benton indicated there was a text change approved earlier in the agenda relating to parking exemptions. He indicated we have a privilege license application for the Fallout Shelter. He pointed out this application has been checked out by the City, Inspections and Police Departments and they recommend approval subject to the approval of the text change. He stated the text change has now been approved, therefore, he would recommend approval of the application for privlege licenses as applied for by Fallout Shelter on South West Street. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PRIVILEGE LICENSE - MISSION VALLEY INN - APPROVED CONDITIONALLY

City Manager Benton indicated we have received an application for privilege license relating to the Mission Valley Inn. He indicated this is required because of a change in management at the Mission Valley Inn. He stated this application is in the process of being investigated by the City staff. He explained the City Council may wish to approve the privilege license application subject to approval by the Police Department and Inspections Department. Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None

REPORT OF MAYOR AND COUNCIL MEMBERS

***CITY COUNCIL - LIAISON - VARIOUS ACTIONS TAKEN

Mayor Upchurch indicated in the past various Council members have acted as a liaison with different boards and commissions. He stated he was not assigning Council persons to act as the liaison, but if any Council member is interested in a particular board and would like to involve themselves and attend meetings of that particular board or commission that would be good and the Council member could report back to Council when needed. He explained the difference in committees and authorities. Mr. Congleton indicated he would like to set in and act as the liaison with the Civic Center authority. Mr. Campbell indicated he would like to act as liaison to the Housing Authority with Mr. Meeker indicating he would be glad to work with the Transit Authority. Without objection this was agreed to with Mayor Upchurch indicating if other Council members wanted to act as liaison to please advise him.

***CITY COUNCIL RETREAT - INFORMATION RECEIVED - REFERRED TO ADMINISTRATION

Mayor Upchurch briefly explained the past several Councils and staff have held a week-end retreat. He indicated some of these retreats have been held out of the City but the last one was held at the Civic Center and that seems to work real well. He indicated a suggested date has been January 31 - February 1 at the Civic Center. Ms. Burns questioned if the Council could choose a more hospitable building such as the Mordecai House with Mr. Walters pointing out the Civic Center has projectors and other amenities that would be good to have. Former Mayor Issabella Cannon, who was in the audiance, indicated if the retreat is held at a small building such as the Mordecai House, then the public wouldn't be able to come and the public should be involved. Ms. Cannon also made remarks about her inability to hear Council members comments during today's meeting and asked Council members to use their microphones. Administration was asked to work on plans for a retreat.

***GREENWAY - POLICY ON CONSTRUCTION - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Meeker indicated he served on the Raleigh Greenway Commission for some time and explained work in getting greenway trails constructed. He pointed out in the past we have been constructing approximately three miles of paved greenway per year and it is his feeling that we should consider being in the range of six to eight miles per year. He stated he would like to look at the City policy on how greenway trails are constructed, maintained, staff cost, etc., as well as to make the open space available to the public. He indicated this is something that would be in the implementation stage in the 86-87 year. Mayor Upchurch indicated maybe that should be a work session item, pointing out when the Parks and Recreation capital budget was discussed in the past quite a bit of time was spent on this same issue. City Manager Benton indicated that is one of the things that the Council will have to look at when they study the Parks and Recreation capital improvement program. Mr. Meeker indicated he would like to refer this to a committee to take a specific look at that particular program. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***JOHN H. BAKER, SR. - COMMENTS RECEIVED

Mr. Safran indicated as we begin our two years there is one person absent and that is John H. Baker, Sr. and asked the Council to remember Mr. Baker as we start the next Council two years. Mayor Upchurch expressed appreciation to Mr. Safran for these comments indicating a committee is looking at some appropriate way to honor Mr. Baker's memory.

***CRABTREE BOULEVARD - POSSIBILITY OF REMOVAL FROM THE TRANSPORTATION PLAN - REFERRED TO ADMINISTRATION TO REPORT TO THE DECEMBER 19 WORK SESSION

Mr. Walters indicated as we start this update of our transportation plan, there is one item he would like for Council to consider. He stated he has been concerned about Crabtree Boulevard and has the desire that Crabtree Boulevard be deleted from the transportation plan. He asked that this item be referred to administration for report and recommendation to come to the work session on December 19, 1985 when the transportation plan update will be presented. Without objection this was agreed to.

***LEAF PICK-UP PROGRAM - REFERRED TO ADMINISTRATION

Ms. Cates indicated she would like to talk about the leaf pick-up program. She stated we have had many complaints about our program, pointing out a number of the complainants indicated we started the schedule too early. She stated in some areas of District E she understands it will be December 30 before another pick-up is scheduled. She indicated as she understands it we are on a six week schedule and in her opinion that is too long. She stated maybe we could have a schedule that would be on a three week cycle. She pointed out you can leave your leaves on the ground for three weeks and it will not hurt your grass but six weeks is entirely too long. She stated some people have stated they would be willing to have at tax increase if they could get the leaves picked up sooner. She asked administration to look at the possibility of having the leaf pick-up scheduled on a three week cycle and report that information to the Council during budget deliberation. Without objection this was agree to.

***GROWTH STANDARDS AND CONTROLS - ADMINISTRATION TO PROVIDE REPORT

Ms. Cates indicated she is concerned and wonders if we need to tighten regulations or standards to help control and maintain the growth Raleigh is experiencing. She read comments from a recent newspaper article relative to growth in the City and the fact that we do not have to blindly accept the fact that all growth is good. She indicated she feels we need to look at our development regulations to see if we have the right tools in place. She stated the proposed landscaping ordinance she feels is one good tool, conditional use zoning is another. Facility fees being put into place will be another good measure. She stated there may be other things that the City can do or need to take a look at before it is too late. She asked administration to come up with some recommendations that the Council can adopt that will insure quality growth and insure that we maintain our present quality of life. She stated maybe this could be a list of suggestions that the City Council can look at and discuss. She indicated suggestions she had thought of include intensity standards, improving lot coverage standards, access limitation, per acre coverage, etc. Mayor Upchurch indicated these were very good comments and maybe they could be held and looked at in the Comprehensive Planning Committee and let that committee brainstorm this idea.

***REVENUE SHARING FUNDS - ANTICIPATED CUTS - ADMINISTRATION TO GIVE A REPORT

Mr. Campbell indicated everyone is aware of the possible future of revenue sharing funds and anticipated cuts. He indicated he is concerned as this relates to social service programs. He asked administration to try to come up with some anticipated levels of revenue sharing funds we can expect and use to work with the county in helping pick-up the social service agencies that the City has been funding.

***PARKS AND RECREATION - POSSIBLE STAFF AT RALPH CAMPBELL SENIOR COMMUNITY CENTER - REFERRED TO ADMINISTRATION

Mr. Campbell indicated we recently opened the Ralph Campbell Senior Community Center and it was opened with a part-time staff. He indicated several people had contacted him about the possibility of getting a full-time staff for the needs of that area. He asked administration to look at this question and report back.

***DOWNTOWN - CLARIFICATION AND ANALYSIS OF PLAN FOR LOW INCOME HOUSING - ADMINISTRATION TO GIVE A REPORT

Ms. Burns indicated she would like to have administration provide a clarification and/or analysis of the plan in the downtown economic area as it relates to provision of low income housing. Without objection, Administration was asked to provide a report.

***PROFESSIONAL SERVICES - CRITERIA FOR SELECTION - ADMINISTRATION TO PROVIDE REPORT

Ms. Burns indicated she would be interested in reviewing the criteria currently in use for the selection of architects and/or engineers for professional services. City Manager Benton indicated we do have a standard procedure and he would be glad to provide a report. Ms. Burns suggested the possibility that this could be discussed at the retreat. After brief discussion it was agreed that Administration would provide a report and then if Ms. Burns has other questions she could bring it up and ask that it be referred to the appropriate committee.

***MAYOR'S ASSOCIATION - MEETING ANNOUNCED

Mayor Upchurch explained the Wake County Mayors Association pointing out it is open to all elected officials. He indicated the next meeting will be December 16 and invited all Council members to attend.

REPORT AND RECOMMENDATION OF THE CITY CLERK

***WATER ASSESSMENT ROLL 1030 - LAKE RALEIGH/AVENT FERRY ROAD - PUBLIC HEARING AUTHORIZED

Water Assessment Roll 1030 for the installation of an 8-inch water main, beginning at the intersection of Lake Raleigh Road and Avent Ferry Road and extending southward to serve Parcel 16, will be presented. It is recommended that the Council adopt the assessment roll which would set a public hearing to consider confirmation of charges at the January 7, 1986, Council Meeting. Mr. Walters moved adoption of the resolution as presented. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 25

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1030

WHEREAS, by Resolution No. 1985-716 adopted by the City Council on February 2, 1985 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU-1985-2 installation of approximately 1,200 feet of 8-inch water main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to serve Parcel 16, Tax Map 550.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $18,967.61.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Dwight H. Wadford & Wife	1	0073068	2-3	302.00	2,684.78
Lora Riggsbee Hartman	2	0029142	1	145.00	1,289.05
Margaret Wadford Pierce	3	0055428	-	117.91	1,048.22
Pine Knoll Apartments	4	0023089	1	187.07	1,663.05
John U. Tate, Jr. & Brita	5	0069403	-	165.48	1,471.12
North Carolina State University	6	0113250	-	844.46	7,507.25
Lucille R. Alexander	7	0001057	2	173.34	1,540.99
Beulah T. Riggsbee	8	0060059	1	198.33	1,763.15

Cost per Foot: $8.89

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1030 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 7th day of January, 1986 at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 12/3/85

***ELECTION - NOVEMBER 5 - ABSTRACT PRESENTED

The City Clerk indicated Council members received in their agenda packet a copy of the abstract of results of the November 5 election. She indicated this is for information only. Without comment, the item was received.

Adjournment

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:20 to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

tw/1/cc

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, December 3, 1985 at 7:00 p.m. in the City Council Chamber, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Burns
Mr. Campbell
Ms. Cates
Mr. Congleton
Mr. Meeker
Mr. Safran
Mr. Watlers

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

***WATER BILL - 4204 WINGATE DRIVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Jean K. Rogers and her mother Effie LaBrie, 4204 Wingate Drive, were at the meeting indicating on October 7, 1985 they received a water bill in the amount of $287.35. She stated the previous bill had showed more water usage than usual and she had called and talked with someone in the complaints section concerning the 400% increase in her previous bill. Soon after, she received a call from the City and was told that there was a leak near the water meter. Ms. Rogers indicated her mother called and got a plumber to come out as soon as possible which was October 4, 1985. She indicated that bill was in the amount of $132.50. She stated she was out-of-town on business the week of September 30 through October 4 and had planned to leave for vacation on October 5. She stated when she returned she called the City and told them that it had been repaired and was asked to send them a copy of the repair bill which she did. She stated the City has adjusted the sewer part of the bill. She questioned how she could be responsible for water that she did not use and did not know was leaking. She stated there should be some way to inform homeowners of a leak before it gets to this point. She stated she would appreciate an adjustment in the water usage portion of the bill for those two months to an amount that is equal to or proportionate to amount usually charged.

City Manager Benton indicated there was a leak that occurred between August 15 and September 17. He explained there were two bills involved which totalled over $554.33 which was quite in access of the normal bill. He stated the problem was a split pipe near the sidewalk; however, it was on the property owner side of the meter. He said the property owner did get it repaired promptly and explained the City's adjustment policy pointing out the bill now was $334.18. He stated the City's policy is based on the philosophy that the City's responsibility stops at the water meter. He indicated this adjustment is consistent with our City's utility policy. Discussion took place on the policy of adjusting water bills and the previous water bill adjustment policy. Mr. Walters indicated he understands the policy and hesitates to deviate from the policy but he feels that maybe some adjustment should take place on this bill. Ms. Rogers indicated her normal bill is $12 to $15 per month. Mayor Upchurch questioned if it would assist if the City would give Ms. Rogers a longer period of time to pay the bill, with Ms. Rogers indicating that would help but she does not feel it is fair that she has to pay this bill, again stating she feels that something should be done to let the citizen know of these problems earlier. She stated there was no water on the ground and she had no way of knowing that there was a leak. She stated the leak was just inches from the sidewalk and meter. Mayor Upchurch questioned if the City gave Ms. Rogers notice of the abnormally high reading with City Manager Benton indicating there was a ten day period from the time the meter was read and the bill was sent out. Mr. Walters questioned if this could be put in Public Works Committee, pointing out he knows the Finance Director is working on a new policy. He moved that the item be referred to Public Works Committee. His motion was seconded by Mr. Meeker, with Ms. Rogers again indicating there should be some way to let a homeowner know that they do have a leak before it gets to this point. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***TAXI RATE METER - MODEL TRM-100-4 - APPROVED FOR USE IN THE CITY

L. M. Shirley, President of Shirley Enterprises, Inc. was at the meeting asking for approval of model TRM-100-4 digital taxi rate meter in the City of Raleigh. He indicated he had presented the City with a copy of the prototype approval from the North Carolina Department of Agricultural Consumer Standards Division. He indicated it is his understanding that the taxicab ordinance requires that any taxi rate meter used in the City have approval by the governing board and the State of North Carolina. City Manager Benton explained the code section Mr. Shirley is referring to. He stated administration has no problem with the use of this meter as it has received approval from the N.C. Department of Agricultural. Mr. Walters moved approval of the meter for use in the City has requested. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Shirley indicated for some reason his competitors have not sought this approval. He indicated he talked with the taxicab inspector about this and the taxicab inspector indicated to investigate that problem would be opening a can of worms.

***SEWER EASEMENT RELOCATION - LOT 7, ROCKCLIFFE SUBDIVISION - DENIED

Johnny Edwards, representing John A. Edwards & Company, was at the meeting to ask the Council to consider, because of a relocation of an eight inch sewer line, revoking approximately 2,580 square feet of existing sanitary sewer easement and accepting dedication of approximately 3,510 of a new sanitary sewer easement. He indicated this relates to Lot 7, Rockcliffe Subdivision as recorded in Book of Maps 1958, Page 177. Mr. Edwards indicated he was representing Beverly Johnson, the property owner, and they are requesting this easement exchange in order to allow construction of a house.

City Manager Benton, utilizing maps available at the meeting, shows that the present sewer line runs straight from Lakeview Drive across the property. He indicated the relocated sewer line would have three severe bends. He stated he has serious concerns about changing the configuration of our sewer lines for the convenience of a private individual. Mr. Edwards indicated the subdivision was approved with the sewer relocation as shown on the map, with City Manager Benton indicating he has problems with either one, as he does not feel that the City should compromise itself and allow its sewer lines to be have bends and curves in them. He indicated engineers will tell you that there will be no problem with bends in sewer lines but he just does not accept that statement. Mr. Edwards pointed out they already have approval to bend it down next to the street. Ms. Burns questioned why the bends are necessary with Mr. Edwards pointing out with the sewer in the location it is now the lot is unbuildable. He indicated the property owner wants to relocate it so that it can be a buildable lot. After discussion, Mr. Meeker moved the Manager's recommendation not to allow the sewer relocation. His motion was seconded by Mr. Safran and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***BARRETT SQUARE OFFICE CONDOMINIUM - PHASE II - EASEMENT EXCHANGE - APPROVED

John Y. Phelps, Jr., representing Central Carolina Realty, had requested permission to appear before the Council to request an easement exchange relating to Barrett Square Office Condominium Phase II. Mr. Phelps was not at the meeting. City Manager Benton indicated as he understands this during the construction of Phase II of Barrett Square office condominium, the corner of two units encroaches on our existing 30-foot sewer easement. Unit No. 10 encroaches approximately 2 feet and unit No. 20 encroaches approximately 4.9 feet. He indicated it is administration's recommendation that we exchange these two corner areas for dedication of an additional 30-foot sanitary sewer easement located on the east side of the creek. He indicated the property on this side is owned by the same person and the owner is willing to dedicate the new easement. By having this new easement in this area, it would give the City more flexibility in the future if we have to relay or parallel any portion of the existing line. Mr. Walters moved approval of the Manager's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNSAFE BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE BUILDING - 605 MILLS STREET - HEARING - ORDINANCE ADOPTED EFFECTIVE MARCH 5

This was a hearing to consider declaring the dwelling at 605 Mills Street unsafe and directing that it be demolished. The property is in the name of Mrs. Elenor Mann. The Mayor opened the hearing.

Jim Stevens, representing Fairmont United Methodist Church, was at the meeting indicating Mrs. Mann is an active member of the church. He indicated the situation of the house and the yard got that way without the knowledge of the people in the church. He stated four members of her Sunday School Class have been working and have moved all the papers, magazines and trash. He stated the house now has hot and cold water, the toilet works, sink works and the lights work. He indicated there is still additional work to be done, but that will be accomplished, they just need a little more time. City Attorney McCormick indicated there is a very large delinquent water bill on this property. Mr. Stevens indicated he understands Wake County is going to pick up the tab for the delinquent bill and he is committed to paying the water bill in the future. Brief discussion took place as to how much time would be needed after which Mr. Congleton moved adoption of an ordinance declaring the dwelling unsafe effective March 5. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 688

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 605 MILLS STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Mrs. Eleanor Mann	605 Mills Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective March 5, 1986.

Adopted: December 3, 1985
Effective: March 5, 1986

***PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating certain nuisances in the City. The charges, if confirmed, will become a lien against the land:

3022-3024 Leonard Street - W. T. and Kathleen Harrill. Housing Inspections Supervisor Bartholomew asked that this item be withdrawn as the charges have been paid. Without objection the item was withdrawn.

311 North Haywood Street - Benns E. Dae, property owner - $103.00. No one asked to be heard. Mr. Walters moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Meeker and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 26.

1119 Holmes Street - Louella Upchurch, property owner - $113.00. No one asked to be heard. Mr. Walters moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-26

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement f nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Benns E. Dae	311 North Haywood Street Lot 14, Block G-11, Map G-1 ID# 0050819	$103.00

Louella Upchurch	1119 Holmes Street Lot 1, Block B-141, Map-24 ID# 0016384	113.00

Section 3. That this resolution shall become effective December 3, 1985.

Adopted: December 3, 1985

***PU-1985-27 - SOUTH WILMINGTON STREET - HEARING - PROJECT DROPPED; PROJECT TO BE READVERTISED WITH LINE TO BE INSTALLED IN THE STREET

This was a hearing to consider the installation of approximately 220 feet of eight inch sewer main in South Wilmington area with assessment on the per lot basis to apply. Public Utilities Director Simmons explained the proposal. He indicated a request was made by a property owner and pointed out this location is inside the City Limits. The Mayor opened the hearing to the public.

A gentleman who indicated he was an employee of the adjacent property owner - Rolly Banister was at the meeting speaking in opposition to the sewer line in its proposed location. He indicated the easement would take up almost the entirety of their property. He stated his employer plans to develop the adjacent property using a zero rear lot line and if you take 20 feet off of the property it would make the property almost entirely worthless. He explained problems that have occurred over the past six months because the adjacent property was dumping raw sewage onto their property. He indicated they went to the County and then to the City. He indicated the adjacent property owners installed a sewer line across his employer's property without their knowledge and they cut the line and capped it. He indicated that started the adjacent property owner putting raw sewage back onto their property. He indicated the adjacent property owner does need the City sewer but they do not want the easement to make his employer's property unuseable.

Attorney Malcolm Harris was at the meeting indicating there is a problem in this area as his client's property is served by a septic tank that does not work properly. He indicated since the property is inside the City they are not allowed to repair the septic tank. The only way that they can correct the problem is to get City sewer service. Discussion took place about the possibility of running the sewer lines in the street or in another location to avoid making the Banister property unuseable. Public Utilities Director Simmons indicated he would have no problem with the line going in the street, as a matter of fact, it would be better for the City. Brief discussion took place after which Mr. Congleton moved that PU project 1985-27, as advertised, be dropped and adoption of a resolution of intent to undertake the project using another location for the sewer line. His motion was seconded by Mr. Meeker and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 27

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

PU 1985 - 27 Revised - Installation of approximately 430 feet of 8-inch sanitary sewer main beginning at the southeast corner of Lot 8A, Tax Map 631, thence within an easement to Circle Drive, thence east in Circle Drive approximately 360 feet to the dead end cul-de-sac, thence north within an easement to an existing manhole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statues of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such

installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 21st of January, 1986, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: December 3, 1985

***PU 1985-26 - HILLSBOROUGH STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 5,700 feet of 12 inch water main from the Hillsborough Street and Western Boulevard to Bashford Road with assessment on the front footage basis to apply. Public Utilities Director Simmons explained the project, pointing out it is outside the City and also explaining that the property on the north side of the railroad would not be accessed. The Mayor opened the hearing and no one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-28

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU-1985-26 - Installation of approximately 5,700 feet of 12-inch water main from the intersection of Hillsborough Street and Western Boulevard to Bashford Road (outside the City)

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Planning Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 12/3/85

***PAVING ASSESSMENT ROLL 699 - ATLANTIC AVENUE - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for street construction on Atlantic Avenue according to charges outlined in Resolution 1985-992, adopted on November 5, 1985. Acting Chief Engineer Beane indicated this project is outside the City Limits. The Mayor opened the hearing and no one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the charges as outlined on a Assessment Roll 699. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 29.

***WATER ASSESSMENT ROLL 1026 - ATLANTIC AVENUE - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges outlined in Assessment Roll 1026 for the installation of approximately 2,710 feet of 30 inch ductile iron water main in Atlantic Avenue according to charges outlined in Resolution 1985-993, adopted on November 5, 1985. Acting Chief Engineer Beane explained the work that has been completed and explained that this project is outside the City Limits. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the

charges as outlined on Assessment Roll 1026. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-29

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 699, WATER ASSESSMENT ROLL 1026 AND WATER ASSESSMENT ROLL 1027A

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the city Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of December, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1985-992, 1985-993 and Resolution No. 1985-996 adopted on the 5th day of November, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 699, Water Assessment Roll 1026 and Water Assessment Roll 1027A," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: December 3, 1985

***WATER ASSESSMENT ROLL 1027 - MILLBROOK ROAD AREA - HEARING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider adoption of a resolution confirming charges as outlined in Assessment Roll 1027 for the installation of approximately 1,100 feet of 16 inch water main in Millbrook Road and approximately 3,000 feet of 24 inch water main within the same area according to charges outlined by Resolution 1985-994, adopted on November 5, 1985. Acting Chief Engineer Beane explained the project. The Mayor opened the hearing. The City Clerk indicated she had been contacted by representatives of the Raleigh Housing Authority indicating they have some questions about these charges and would ask that the item be referred to committee to give them an opportunity to further study the item with their engineer. City Manager Benton indicated the question involves about 75 lineal feet of the sewer line across Housing Authority property. He stated he did not know what the problem involved. Without object the hearing was closed and the item was referred to Public Works Committee.

***SEWER ASSESSMENT ROLL 1028 - FALLS OF NEUSE ROAD - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges as outlined in Assessment Roll 1028 for the installation of approximately 459 feet of 8 inch sewer main in Falls of Neuse Road, according to charges outlined in Resolution 1985-995, adopted on November 5, 1985. Acting Chief Engineer Beane explained the project. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Meeker moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Campbell and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-30

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1028

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal

advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 3rd day of December, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-995 adopted on the 5th day of November, 1985, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1028," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: December 3, 1985

***WATER ASSESSMENT ROLL 1027A - MILLBROOK ROAD AREA - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges as outlined in Assessment Roll 1027A for the installation of approximately 1,100 feet of 16 inch water main in Millbrook Road and 3,00 feet of 24 inch water main in the same area, according to charges outlined in Resolution 1985-996, adopted on November 5, 1985. This project is outside the City Limits. Acting Chief Engineer Beane explained the project. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Meeker moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 29.

***STREET CLOSING - OLD MILLSTREAM COURT - HEARING - RESOLUTION ORDERING CLOSING ADOPTED

This was a hearing to consider the permanent closing of Old Millstream Court. The hearing is pursuant to petition, resolution, notification, and advertisement as required by law. Planning Director Chapman explained the proposal utilizing a map available at the meeting. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mayor Upchurch moved adoption of a resolution directing the closing as advertised. His motion was seconded by Mr. Meeker and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 31

A RESOLUTION ORDERING THE CLOSING OF OLD MILLSTREAM COURT RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of Old Millstream Court right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Old Millstream Court be closed permanently as follows:

Old Millstream Court, a 200 foot street with cul-de-sac, shown on map dated May 28, 1985, Book of Maps 1985, Page 929, available in the City Clerk's Office

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, NOrth Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 12/3/85

***STREET CLOSING - PORTION OF KING ROAD RIGHT-OF-WAY - HEARING - RESOLUTION ORDERING CLOSING ADOPTED

This was a hearing to consider the permanent closing of a portion of King Road right-of-way. The hearing is pursuant to petition, resolution, notification, and advertisement as required by law. Planning Director Chapman explained the proposal. The Mayor opened the hearing to the public.

Charles Wilkins, 2111 Fairview Road, was at the meeting representing the petitioners. He indicated there are seven adjacent property owners in support of the proposal. T.O. Mullins pointing out that a portion of King Road is paved and open and questioned if the closing of the unopened portion will affect the City maintenance of the open portion, with City Manager Benton indicating it would not. No one else asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution ordering the closing as advertised. His motion was seconded by Mr. Meeker and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 32

A RESOLUTION ORDERING THE CLOSING OF KING ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of King Road right-of-way; and

WHEREAS, PURSUANT TO Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of King Road be closed permanently as follows:

The northern undeveloped 54.21 feet of King Road which runs along the rear property lines of Joel H. Miles, G. B. Harvin and Bertha Pennington Lloyd

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, NOrth Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 12/3/85

***DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN - MONTAGUE BUILDING AMENDMENT - APPROVED

This was a hearing before the City Council, meeting as the City Council and the Redevelopment Commission of the City of Raleigh, to consider the approval of the Montague Building project amendment to the Downtown East/east side Redevelopment Plan. Downtown Planner Betts explained the Montague Building project, pointing out the developer of the building has requested the City to initiate this amendment. He explained the building will be used for commercial, office, etc., and the rehabilitation will be according to standards set by the City. He explained the City has agreed to cooperate with the developer to loan up to $50,000 for a walkway and other improvements to the patio area. The explained the cost and method of financing and went over the funding. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Meeker moved approval of the amendment as presented. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the adopted.

***MONTAGUE BUILDING - REHABILITATION AMENDMENT TO DOWNTOWN - APPROVED

This was a request for approval from the Planning Commission to amend the Downtown East/East Side Redevelopment Plan.

CR-5933 from the Planning Commission recommended approval. Mrs. Burns indicated she would like to be excused from participation in this matter. Without objection Mrs. Burns was excused. Mr. Congleton moved approval of the Planning Commission's recommendation. His motion was seconded by Mr. Meeker and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 33

MONTAGUE BUILDING REHABILITATION PLAN

Amendment to the Downtown East/East Side Redevelopment Plan

WHEREAS the City of Raleigh is undertaking a comprehensive program of downtown revitalization involving public and private sector cooperation in redevelopment and rehabilitation; and

WHEREAS as part of this program the City adopted on January 19, 1982, the Downtown East/East Side Redevelopment Plan; and

WHEREAS this plan provides a framework for future specific redevelopment projects to be added as amendments as they are identified and duly adopted by the City Council; and

WHEREAS the Montague Building Rehabilitation Plan has been prepared identifying specific redevelopment actions and funding; and

WHEREAS the Montague Building Rehabilitation Plan has been reviewed and approved by the Raleigh Planning Commission; and

WHEREAS on December 3, 1985, the City Council approved the Montague Building Rehabilitation Plan Amendment by a vote of 8 ayes and 0 nays;

THEREFORE be it resolved that: The Montague Building Rehabilitation Plan is hereby adopted and amended to the Downtown East/East Side Redevelopment Plan and that the City will undertake redevelopment activities in accordance with the provisions therein and applicable State and Federal laws.

Adoption Date: December 3, 1985

***MONTAGUE BUILDING PROJECT - USE OF REDEVELOPMENT BONDS - APPROVED

This was a hearing before the City Council, meeting as the City Council and the Redevelopment Commission, to consider their approval, pursuant to 26 USC 103 (K) of the Internal Revenue Code, of $2.2 million in redevelopment bonds for use in funding a portion of the Montague Building project. Downtown Planner Betts explained the project and the use of redevelopment bonds which are tax exempt bonds. He pointed out the Montague Building is a historic property. He explained the use of redevelopment bonds and the City's involvement. He indicated the developer and representatives of the bond attorneys were at the meeting to answer any questions. The hearing was open to the public. No one asked to be heard, thus the hearing was closed. Mr. Meeker indicated at one place is says 2 million dollars and another it shows 2.2 million dollars. Mr. Betts explained that we do not anticipate the project going over the 2 million dollars, but the additional money was added in case it is needed. Mr. Meeker moved approval of the use of redevelopment bonds for use in funding a portion of the Montague Building project. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***NATIONAL LEAGUE OF CITY'S MEETING - SEATTLE - INFORMATION RECEIVED

Mayor Upchurch indicated the City Council will be going to the National League of City's meeting in Seattle next week. He asked Mr. Walters to help him get information and pull all the Council members together while in Seattle so that the Council could have dinner together. This was agreed to.

Adjournment:

There being no further business the meeting adjourned at 8:00 p.m.

Gail G. Smith
City Clerk

tw/2/cc